

From: Kime, Robin
Location: ISRI: 1250 H Street, NW, Suite 400
Importance: Normal
Subject: Samantha to Attend the ISRI CEO Meeting (10:00 - 10:30)
Start Date/Time: Wed 6/21/2017 2:00:00 PM
End Date/Time: Wed 6/21/2017 2:30:00 PM
[facts-and-figures-fact-sheet---recycling.pdf](#)
[ISRI Comments EPA Reg Reform 170515.pdf](#)

ISRI is hosting a briefing for our 10 largest company's senior management (CEO, President) to better understand what is happening in Washington at the Congressional and agency levels. These companies primarily process ferrous (steel) and non-Ferrous (copper, brass, aluminum, etc.) metals. However, ISRI represents companies that process other materials such as plastics, paper, rubber, electronics, and textiles. Background material are attached.

Samantha will plan to join the meeting at 10:00 a.m. and give some overview remarks about EPA's work (5-8 minutes) followed by Qs and As.

The meeting will be held at ISRI's offices at 1250 H Street, NW, Suite 400. Building security will have her name in advance and someone will meet her upon her arrival.

We will have approximately 10-12 company representatives and ISRI officers (tentative list below), 4-5 ISRI staff plus Governor Haley Barbour and 1-2 BGR staff.

ALTER TRADING

Jay Robinovitz, President & CEO

Michael Goldstein, Operations

COMMERCIAL METALS COMPANY AMERICAS

Brian Halloran, Director of Recycling

MANITOBA CORP.

Brain Shine, President and ISRI Chair -Elect

mitsui steel

Hidemi Takani, *General Manager, Ferrous Raw Materials Division*

Masaya Inamuro, Sr VP, Mineral & Metal Resources Division

SA RECYCLING

George Adams, CEO

Schnitzer Steel Industries, Inc.

Tamara Lundgren, CEO & President

Sims Metal Management

Galdino Claro, CEO

William “Bill” Schmiedel, President

Utah Metal Works

Mark Lewon, President and ISRI Chair

William H. Johnson

Chief Lobbyist

1250 H Street, NW

Suite 400

Washington, DC 20005

Ex. 6 - Personal Privacy

EPA Regulatory Reform

Background: On February 24, 2017, President Trump issued Executive Order 13777 on Enforcing the Regulatory Agenda. The Executive Order (EO) establishes the “policy of the United States to alleviate unnecessary regulatory burdens placed on the American people.” Among other things, it requires each agency to create a Regulatory Reform Task Force to evaluate existing regulations and to identify regulations that should be repealed, replaced, or modified. EPA has been working diligently to implement the President’s EO:

- **Public Meetings.** EPA held public meetings to listen and learn from those directly impacted by our regulations, including federal, state, local and Tribal governments; small businesses; consumer; non-governmental organizations and trade associations.
- **Public Comment Process.** We also accepted public comment through our regulatory reform docket. That docket closed on May 15, 2017. We have received over 450,000 comments in that docket.
 - Per the EO, we are using the public input to help identify regulations that eliminate jobs, or inhibit job creation; are outdated, unnecessary, or ineffective; impose costs that exceed benefits; create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies.

Ongoing Reconsideration of Regulations. EPA has begun the review of specific regulations and withdrawal of proposed actions that impose undue burden. These include:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Improving EPA's Regulatory Analyses for Better Decision Making. In addition to the actions on regulation, EPA is overhauling the way we quantify the costs and benefits of regulatory action:

Ex. 5 - Deliberative Process

Office of Air and Radiation Efforts Related to Executive Order 13777

On February 24th, President Trump issued Executive Order 13777 on Enforcing the Regulatory Agenda. The E.O., among other things, requires EPA to establish a Regulatory Reform Task Force. On March 24th, Administrator Pruitt established this Task Force to evaluate existing regulations and make recommendations to the agency head regarding their repeal, replacement, or modification. The Administrator also directed the Office of Air and Radiation (OAR) and other EPA offices, by May 15, 2017, to make recommendations to the Task Force on specific rules that could be considered for repeal, replacement, or modification.

Based on this request, and additional guidance received from the Office of Policy, on April 24, 2017, OAR held a dedicated public teleconference to hear directly from stakeholders about which EPA regulations they think could be repealed, replaced, or modified. OAR staff also participated in public meetings chaired by other parts of the Agency to hear from additional stakeholders. Based in part on a review of this input, OAR developed the recommendations included in this document regarding specific rules and actions that could be considered for repeal, replacement, or modification. The recommendations included in this document are also based on a review of actions that pertain to regulatory burdens on domestically produced energy resources per E.O. 13783. OAR has not yet reviewed the recommendations submitted to the EPA public docket, as the deadline for submitting comments is today. OAR will look for additional guidance on the plan and the timing for reviewing the docketed materials.

To take the necessary steps to promulgate the rulemakings needed to implement all of the actions identified in this document would require significant resources. Therefore, decisions on which actions to undertake, and the timing for beginning and concluding individual actions, are highly dependent on priorities and resource availability.

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Section 1: Summary of OAR's April 24th teleconference

Section 2: Summary of OAR's participation in other E.O. 13777 meetings

Section 3: Recommendations regarding specific rules or actions that could be considered for repeal, replacement, or modification. In this section, we have organized the actions in four "bins":

1. Air-related actions already under review or reconsideration (per direction from the President and Administrator Pruitt);
2. Air-related actions that have been withdrawn (per direction from the President and Administrator Pruitt);
3. Additional air-related actions underway that will repeal, replace, or modify existing rules (most of these will be referenced in the Spring Regulatory Agenda); and

4. Additional air-related actions that could be considered for repeal, replacement, or modification

Section 4: Transcript of EPA's Office of Air and Radiation Stakeholder Conference Call (held April 24, 2017)

Section 1: Summary of OAR's April 24th teleconference

On April 24, 2017, OAR held a three-hour, operator assisted teleconference call to solicit feedback from stakeholders on which air and radiation actions should be repealed, replaced or modified to reduce regulatory burden. Holding the meeting via teleconference allowed us to provide access to individuals from across the country. OAR invited more than 100,000 stakeholders to participate in the teleconference or to provide written input via the docket.

During the teleconference, callers were asked to identify themselves if they wished to speak on a first come, first served basis. Each had three minutes to deliver remarks. Over the duration of the call, OAR heard from more than 60 individuals and almost 2,000 individuals dialed in to listen to the call. OAR also engaged with a variety of stakeholders through already scheduled meetings, including with representatives from a range of industry groups and representatives of States.

Speakers raised a wide range of issues from repealing the Clean Power Plan to asking the agency keep in place all air and radiation actions. A transcript from the call is included in Section 4.

Section 2: Summary of OAR's Participation in Other E.O. 13777 Meetings

OAR staff also participated in the following meetings convened by other parts of the Agency:

- **April 20, 2017, and April 25, 2017:** Meetings convened by EPA's Office of Small and Disadvantaged Business Utilization to solicit input from the small business community.
- **April 24, 2017 and May 10, 2017:** Meetings convened by EPA's Office of International and Tribal Affairs Meeting to solicit input from tribal representatives.
- **April 26, 2017:** Meeting convened by EPA's Office of Congressional and Intergovernmental Relations to solicit input from state and local partners, including ECOS, NACAA, and AAPCA.

**Section 3: Recommendations Regarding Specific Rules or Actions That Could Be
Considered for Repeal, Replacement, or Modification**

Ex. 5 - Deliberative Process

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**Section 4: Transcript of EPA's Office of Air and Radiation Stakeholder Conference Call
(held April 24, 2017)**

Please see attached.



**Office of Small and Disadvantaged Business Utilization
Recommendations to the
EPA Regulatory Reform Task Force
Under Executive Order 13777:
Enforcing the Regulatory Reform Agenda**

May 15, 2017

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LIST OF ACRONYMS AND ABBREVIATIONS

BMP	Best management practice
CAA	Clean Air Act
CARB	California Air Resources Board
CFR	Code of Federal Regulations
CMAS	Chemical Manufacturing Area Sources
Corps	U.S. Army Corps of Engineers
CPP	Clean Power Plan
CTG	Control techniques guideline
CWA	Clean Water Act
EAF	Electric arc furnace
EO	Executive Order
EPA	U.S. Environmental Protection Agency
HAP	Hazardous air pollutant
ICR	Information Collection Request
IPC	Association Connecting Electronics Industries
IWPA	International Wood Products Association
Lautenberg Act	Frank R. Lautenberg Chemical Safety for the 21st Century Act
MACT	Maximum achievable control technology
MATS	Mercury and Air Toxics Standards
MS4	Municipal separate storm sewer system
NAAQS	National Ambient Air Quality Standard(s)
NAHB	National Association of Home Builders
NESHAP	National Emission Standard for Hazardous Air Pollutants
NGFA	National Grain and Feed Association
NPDES	National Pollutant Discharge Elimination System
NSPS	New Source Performance Standards
NSR	New Source Review
OMB	Office of Management and Budget
OSDBU	Office of Small and Disadvantage Business Utilization
PBT	Persistent bioaccumulative toxic
PCB	Polychlorinated biphenyl
ppm	Parts per million
PSD	Prevention of Significant Deterioration
RCRA	Resource Conservation and Recovery Act
RIN	Renewable Identification Number
RMP	Risk Management Program
SMA	Steel Manufacturers Association of America
SOCMA	Society of Chemical Manufacturers and Affiliates
SPCC	Spill Prevention, Control, and Countermeasure
TRI	Toxic Release Inventory
TSCA	Toxic Substances Control Act
WOTUS	Waters of the United States
VOC	Volatile organic compound(s)

Executive Summary

In accordance with Executive Order (EO) 13777, “Enforcing the Regulatory Reform Agenda,” the U.S. Environmental Protection Agency’s (EPA’s) Office of Small and Disadvantaged Business Utilization (OSDBU) sought input on regulations that may be appropriate for repeal, replacement, or modification. In response, 68 stakeholders provided a total of 136 comments targeted towards small business concerns during the April 20, 2017, webinar (nine stakeholders); the April 25, 2017, public meeting (26 stakeholders); and the period for submitting written comments to the two dockets established for this effort (33 stakeholders).

The stakeholders include five consultants, one county representative, two environmental groups, two industry representatives, 19 industry groups, three state representatives, one tribal representative, and 35 members of the general public. A total of 136 comments were provided by the 68 stakeholders.

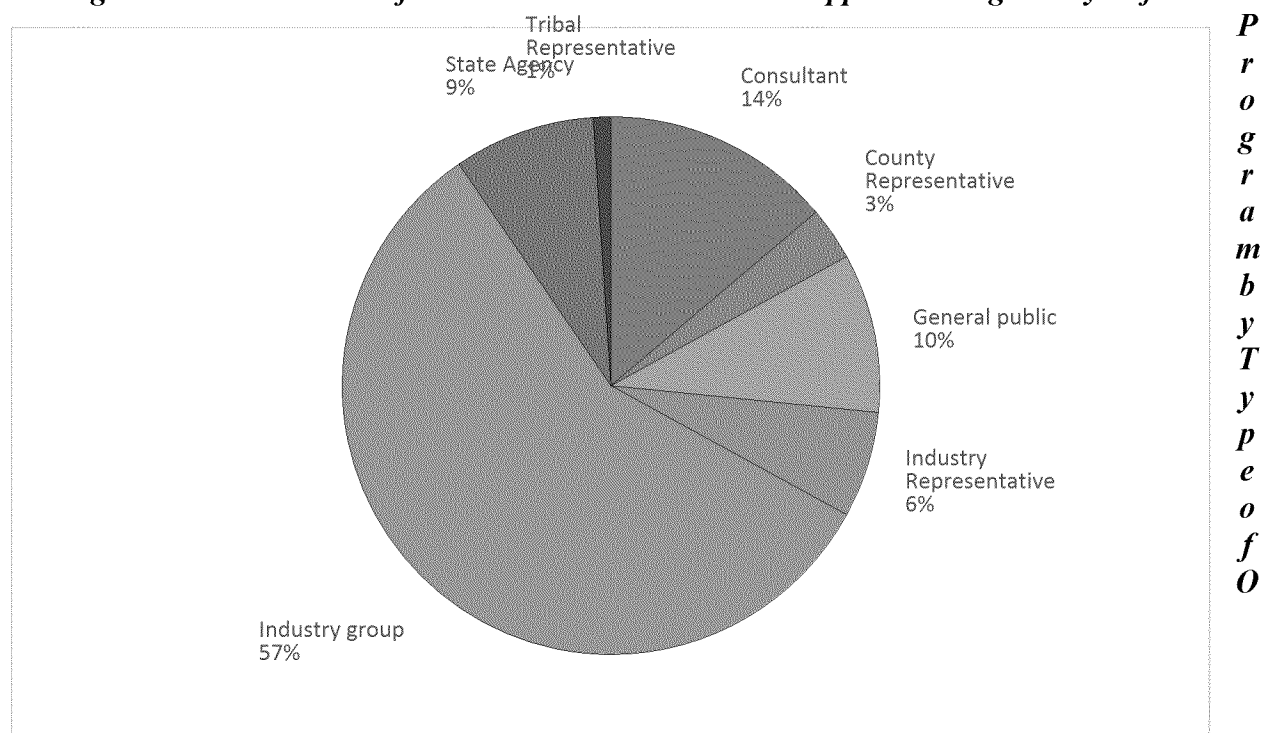
Stakeholders, both supporters and non-supporters of Regulatory Reform, provided specific and general comments on regulations/programs as candidates for repeal, replacement, or modification. Those in support of regulatory reform generally provided specific examples of regulations they felt were burdensome, while those that do not support regulatory reform focused on the overall impact on the environment from the absence of regulations in general.

Figures E-1 and E-2 provide an overview of the types of commenters that supported, or that did not support, the regulatory reform program.

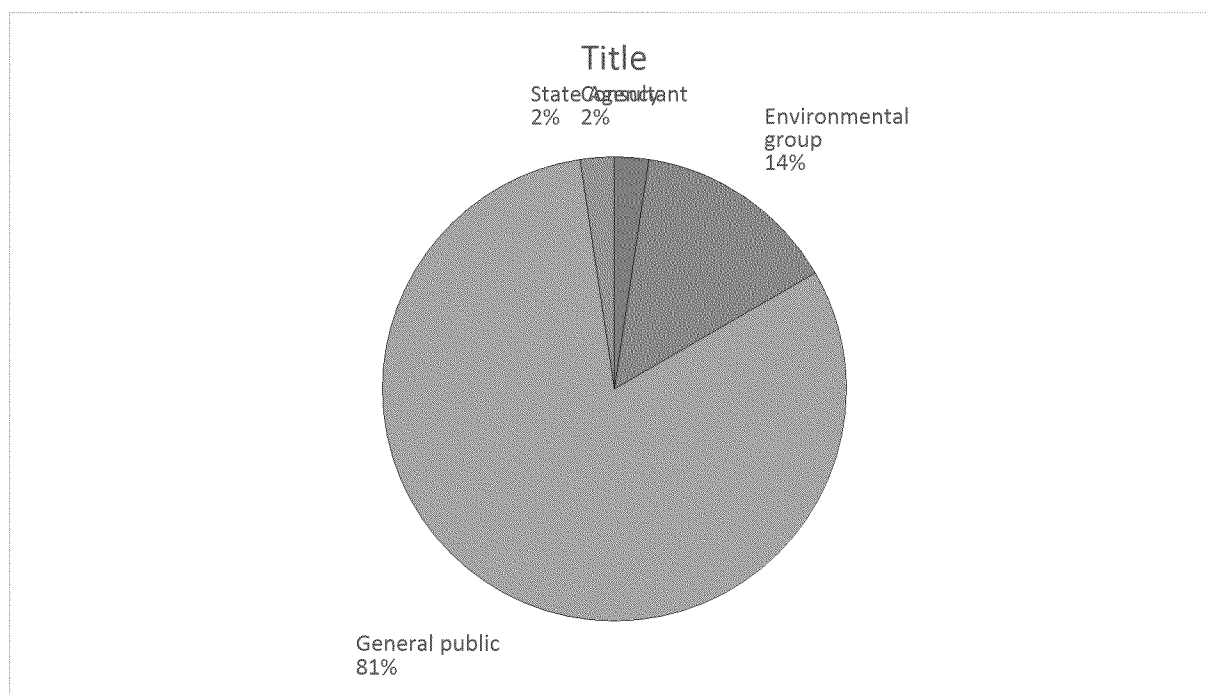
Of the 136 comments:

- 94, or 69%, were in support of the regulatory reform program.
- 42, or 31%, expressed the opinion that EPA should maintain existing programs and regulations.

Figure E-1. Breakdown of Stakeholder Comments that Support the Regulatory Reform

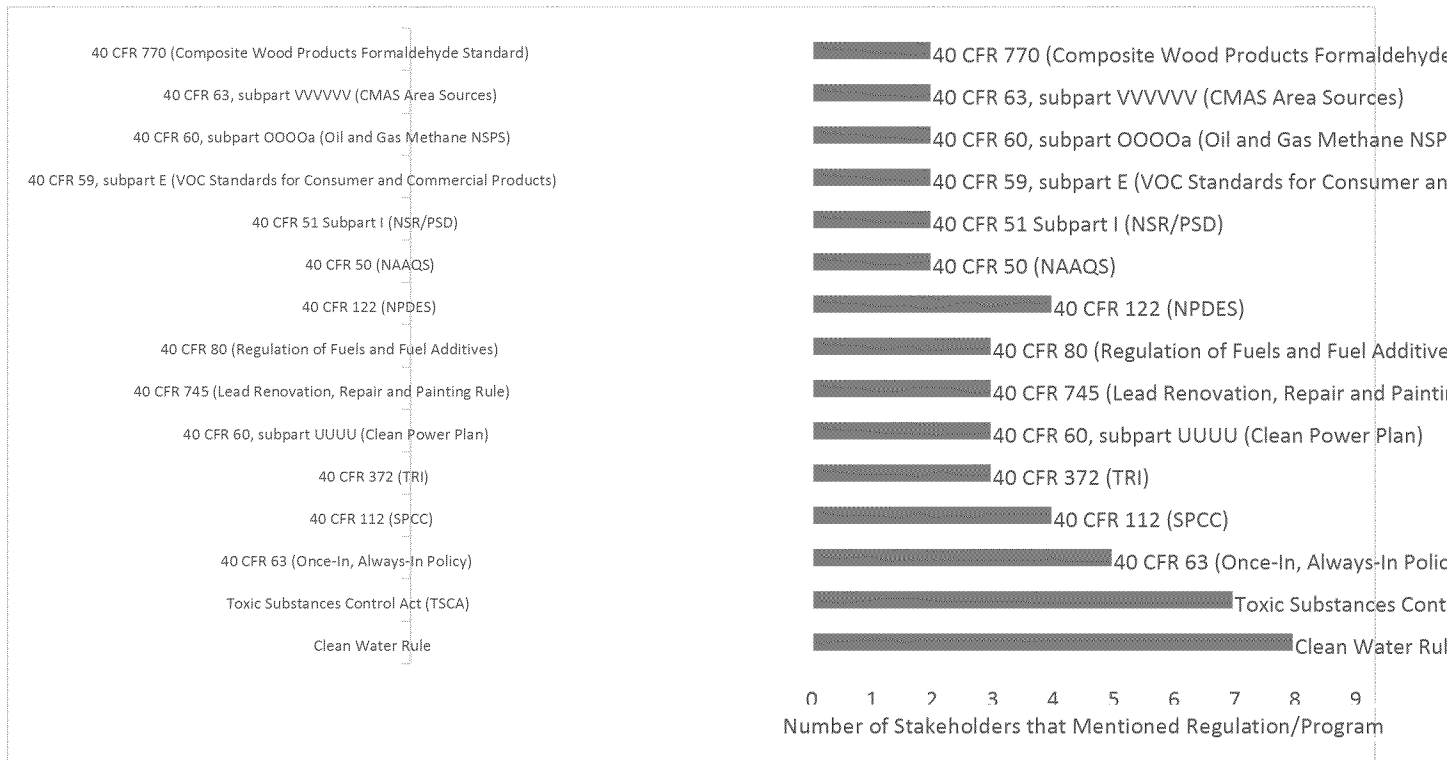


rganization
Figure E-2. Breakdown of Stakeholder Comments that Do Not Support the Regulatory Reform Program by Type of Organization



The stakeholders who support the regulatory reform program identified 43 specific federal regulations/programs for consideration. The suggestions ranged from modifying individual requirements to conducting a complete overhaul of the program. Of these, 15 regulations/programs were mentioned by more than one commenter. The Clean Water Rule (mentioned by 8 commenters), regulations under the Toxic Substances Control Act (mentioned by 7 commenters), and the Once-In Always-In Policy of the 40 CFR Part 63 National Emission Standards for Hazardous Air Pollutants (NESHAPs) program (mentioned by 5 commenters) were the regulations/programs identified as needing repeal, replacement, or modification by the most commenters. Figure E-3 provides the regulations/programs mentioned by more than one commenter.

Figure E-3. Regulations/Programs Mentioned by More Than One Stakeholder (number of comments provided on the regulation/program provided after rule citation)



Appendix D lists all the regulations/programs identified by stakeholders as needing to be repealed, replaced, or modified.

Based on the comments received, OSDDBU developed 13 specific recommendations toward reducing regulatory burdens on small businesses. The recommendations include engaging program offices in prioritizing and developing a strategy to address the comments. The recommendations also include proposed actions and measures to strengthen ongoing transparency, engagement and communications with external stakeholders to better inform and enhance the efficiency and effectiveness of rulemaking activities.

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1.0 Introduction

Executive Order (EO) 13777, “Enforcing the Regulatory Reform Agenda,” signed February 24, 2017, establishes the “policy of the United States to alleviate unnecessary regulatory burdens placed on the American people.” Among other things, it requires each agency to create a Regulatory Reform Task Force to evaluate existing regulations and to identify regulations that should be repealed, replaced, or modified.

In implementing EO 13777, the U.S. Environmental Protection Agency (EPA) Office of Small and Disadvantaged Business Utilization (OSDBU) hosted a webinar on April 20, 2017, and a public meeting on April 25, 2017, to consult with external stakeholders and to hear which rules and regulations the stakeholders believe should be repealed, replaced, or modified, consistent with applicable law. In addition, stakeholders are submitting written comments to the Regulatory Reform docket (EPA-HQ-OA-2017-0190), as well as the docket originally opened by OSDBU specifically for this regulatory reform effort (EPA-HQ-OA-2017-0178).

This document provides information on the meetings and comments received, as well as on OSDBU’s recommendations for moving forward. Specifically, as a summary of the overall comments, this document outlines the common themes, identifies possible short term actions and highlights energy-related regulations that stakeholders have identified. In addition, it offers OSDBU’s recommendations for next steps towards reducing regulatory burden, followed by a more detailed summary of the oral and written comments submitted.

2.0 Summary of Common Themes

Below is a summary of the common themes that emerged from both supporters and non-supporters of Regulatory Reform.

Table 1: Summary of Common Themes of Stakeholder Comments

Supporters of Regulatory Reform	Non-Supporters of Regulatory Reform
<ul style="list-style-type: none">Some regulations/programs are particularly harmful to small businesses, and they give large businesses an unfair competitive advantage. For example, the costs for the Oil and Gas Methane New Source Performance Standards (NSPS) leak detection and repair provisions are the same for “marginal” low-producing oil and gas wells, which are often owned by small businesses, as for large high-production wells owned by large	<ul style="list-style-type: none">Several stakeholders generally disagreed with the premise that complying with environmental regulations causes job losses. Instead, the stakeholders believe that environmental regulations and programs create more small business jobs than they harm. Examples of the jobs created include environmental firms, site cleanup specialists, water/air quality engineering and research firms, and alternative energy material manufacturers and installers.

businesses.	
<ul style="list-style-type: none"> Many regulations contain provisions that increase burden without any environmental benefit. For example, one stakeholder expressed the opinion that the recent amendments to the Risk Management Plan provisions have increased the burden without increasing safety in any way. 	<ul style="list-style-type: none"> Stakeholders expressed the opinion that rolling back regulations will harm the environment and erode the trust that the public has in the Agency to protect public health.
<ul style="list-style-type: none"> Several stakeholders pointed out that the uncertainty and inefficiency of the EPA rulemaking process is often more burdensome than complying with regulations. For example, one stakeholder stated that the development of the Boiler Maximum Achievable Control Technology (MACT) standard has been a 20-year process, and all the stop and starts has resulted in over \$200 million of “stranded” costs for one industry sector. 	<ul style="list-style-type: none"> Small businesses are negatively impacted by workers absent from work as a result of illnesses such as asthma caused by air pollution. One stakeholder believed that rolling back regulations will increase this problem.
<ul style="list-style-type: none"> EPA should evaluate the impacts of existing programs/rules before modifying them or creating new programs/rules. For example, the mercury switch program has been very effective in reducing the amount of mercury released to the environment, but EPA has initiated actions to replace this program without properly considering the benefits of extending the existing program, according to one stakeholder. 	<ul style="list-style-type: none"> Many small businesses rely on a clean environment, such as businesses in the tourist and recreation industries. These small businesses will be severely harmed if environmental regulations/programs are rolled back and the environment is allowed to deteriorate.
<ul style="list-style-type: none"> Stakeholders identified some programs that they believe are better suited to be handled by the states, rather than at the federal level. For example, states are allowed to administer their own Clean Water Act Section 404 wetland permit programs. However, only two states have been delegated this Section 404 program. 	<ul style="list-style-type: none"> Several stakeholders expressed the opinion that rolling back regulations will benefit large corporations more than small businesses.

3.0 Short Term Actionable Suggestions for Regulations/Programs

Of the 43 regulations/programs identified, 33 are final regulations/programs that will require the initiation and implementation of the rulemaking process through proposal and promulgation. Therefore, these are not considered programs for which short-term action is reasonable.

However, the remaining 10 regulations/programs are potential candidates for action in the short term to reduce (or avoid) regulatory burden. Table 2 lists these regulations/programs and the issues as identified by stakeholders.

Table 2. Candidate Regulations/Programs for Short-Term Action

Regulation/Program	Situation
40 CFR 60, subpart DD (Grain Elevator NSPS)	This rule was ready to be finalized, but it was never signed and is now back at EPA for review. Burden can be significantly reduced if EPA simply communicates with the industry the status of the rulemaking and the schedule for finalization and compliance.
40 CFR 63, subpart DDDD (Plywood and Composition Wood Products MACT)	EPA is in the process of collecting information for the residual risk and technology review assessment for this rule and seems to be planning an extensive information collection request that will probably require testing. Burden can be reduced by using existing information for this analysis.
40 CFR 63, subpart DDDDD (Boiler MACT)	The Boiler MACT has been a 20-year process, and all the stop and starts have resulted in millions of dollars in stranded costs. Burden can be reduced if EPA would finalize the rule.
40 CFR 63, subpart YYYYY (Electric Arc Furnace Steelmaking Area Source NESHAP)	The existing mercury switch program has been very successful, but EPA is considering moving to a more expensive and less effective mercury reduction program. EPA can simply extend the existing mercury switch program and save the Agency and the industry considerable money.
40 CFR 770 (Composite Wood Products Formaldehyde Standard)	The rule was finalized on December 12, 2016, with an effective date of March 21, 2017. EPA extended the effective date until May 22, 2017, to review the rule, but it did not extend the compliance dates. EPA can reduce the burden by adjusting the effective and compliance dates to reasonable time frames.
40 CFR 51, subpart I (NSR/PSD Guidance)	In many locations across the country, the cumbersome Prevention of Significant Deterioration (PSD) process is being required for small changes that do not meet the situations envisioned by the Clean Air Act (CAA) for this program. EPA can develop/update guidance to reduce the burdens of this process and encourage, rather than discourage, facility expansions and improvements.

CAA Section 112(r)(1) (General Duty Clause)	It is a common practice for enforcement actions to issue penalties related to this General Duty Clause, but the lack of clear requirements leaves the industry with a high level of uncertainty about how to comply. EPA can develop clear guidance and ensure that inspectors know how to enforce these provisions.
Oil and Gas Control Techniques Guidelines (CTGs)	EO 13783 specifically requires EPA to examine 40 CFR Part 60, subpart OOOOa, which is the NSPS for oil and gas sources. EPA also issued the CTGs, which largely require the same level of control as the NSPS, except that they will apply to existing sources in ozone nonattainment areas. EPA can rescind the oil and gas CTGs and re-evaluate and select recommendations appropriate for existing sources.
40 CFR 63, Once-In, Always-In Policy	In 2007, EPA proposed to revise the General Provisions to replace the 1995 “Once-In, Always In” Policy and to allow sources to become area sources at any time and therefore no longer be subject to the rule. EPA can finalize this proposed revision, as it will greatly diminish the burden on facilities that have reduced emissions below major source levels.
40 CFR 63, Credit for Pollution Prevention	In 2003, EPA proposed to revise the General Provisions to provide regulatory relief for pollution prevention options that achieve equivalent reductions to those required by a specific regulation. EPA can reduce burden and encourage pollution prevention by finalizing this proposal.

4. 0 Executive Order 13783, “Promoting Energy Independence and Economic Growth”

EO 13783 includes two regulations identified by the stakeholders supporting the regulatory reform program:

- 40 CFR Part 60, subpart UUUU (Clean Power Plan)
- 40 CFR Part 60, subpart OOOOa (Oil and Natural Gas NSPS)

In addition, stakeholders requested repeal, replacement, or modification of the Clean Water Rule, particularly the definition of Waters of the United States Rule. EO 13778, “Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule,” orders EPA to review this rule.

5. 0 Recommendations

Based on the feedback received from stakeholders, OSDDBU is recommending the following next steps toward reducing regulatory burden.

1. Prioritization of the review of existing rules that were identified as having negative impacts on small businesses.
2. Each EPA office responsible for the regulations/programs identified in Table E-2, consider the stakeholder suggestions of actions that could be taken in the short term that would reduce burden on small businesses.
3. Improve the outreach and engagement efforts of the agency's Small Business Advocacy Review (SBAR) Panel process performed under Section 609 of the Small Business Regulatory Enforcement Fairness Act (SBREFA). Share relevant information, be transparent, and be inclusive, to build trust. Some stakeholders stated that the SBAR Panel process required under SBREFA is not adequately followed and that the concerns of small businesses are not truly considered.
4. Improve data and screening analysis. Use more appropriate measures to determine the direct compliance costs and ultimately, to determine the economic impacts of EPA regulations on small businesses.
5. Provide more meaningful opportunities for participation in forums that are intended to obtain stakeholder feedback. Share realistic data with stakeholders, consider and be transparent about regulatory options.
6. Broaden communications of proposed regulations and public calls for participation. Currently relying on the Federal Register as the main means of communication with the public concerning new regulations, is not sufficient. Direct notification, notification in small business publications, and more public hearings, would increase small business participation and awareness.
7. Consult with stakeholders early in the process to discuss regulatory options that might minimize the impacts to small businesses, while still accomplishing the environmental goal. Many stakeholders commented that basic early consultation (before rule proposal) with those who actually live and breathe their particular industry would create regulations that are easier to comply with and that have benefits for both the environment and the public.
8. Identify for small entities, relevant Federal rules which may duplicate, overlap or conflict with the proposed rule. Coordinate regulatory requirements with those already in place. Stakeholders are overwhelmed with rules that are either identical to other regulations or conflict with requirements of previous regulations, thus costing them more time, effort and money to comply.
9. Establish compliance and/or reporting requirements that take into account the resources available to small businesses, to the extent possible.
10. Establish agency small business contacts within each EPA rule writing office and each EPA region to coordinate small business outreach and compliance efforts across the

agency. EPA has one Small Business Ombudsman and only three Regional Small Business Liaisons to provide assistance to the nation's small business community. Additional support can improve the agency's small business outreach strategy; support the distribution of regulatory and compliance information; and strengthen direct small business contact.

11. Re-establish the agency's Informal Guidance Program. Section 213 of SBREFA requires EPA to 1) provide guidance to small entities "whenever appropriate in the interest of administering statutes and regulations", 2) establish a program for providing the guidance, and 3) issue a report to Congress regarding the program. Informal small entity advice and guidance can be considered as evidence of the reasonableness or appropriateness of penalties sought against a small entity. EPA's Informal Guidance Program is not fully staffed or supported.
12. Develop, publically post, and broadly distribute small business compliance guides and fact sheets that clearly list who is subject to the rule; how and when to comply with the rule; record keeping, monitoring and reporting requirements; who to contact for more assistance; and other important information, to help small businesses come into and remain compliant with the requirements of EPA rules. Develop the guides in Plain English and in a timely manner such that they can be of practical use to help small businesses evaluate and implement their compliance options.
13. Most of the commenters who cited regulations and programs indicated that they would submit comments to the docket. However, the comment period does not end until May 15, 2017. The docket comments summarized in this document likely only represent a small sampling of the comments that will be provided that are related to the impact of EPA regulations and programs on small businesses. After the comment period closes, program offices and OSDDBU should review the final docket to obtain comments that are related to small business impacts and prepare a comprehensive summary of these comments to inform actions moving forward in response to EO 13777.

6.0 Meeting Summaries

6.1 Summary of April 20 Webinar

The following summarizes the oral comments presented in the April 20, 2017, webinar hosted by OSDDBU. The summaries are given in the order of presentation during the webinar. Because time was still available at the end of the presentations, two presenters were allowed additional time to speak. Although 11 presenters were registered to speak at the webinar, only 9 presented comments. Appendix A contains the list of individuals that registered for the webinar.

Presenter: Bruce Motheral
Contractor

Mr. Motheral provides engineering design services for water systems. He provided the following

comments on the water regulation systems in Texas:

- Believes that regulation writers and enforcement personnel need to have a better understanding of issues that may happen in the field with the design and implementation of water systems.
- Provided some examples of situations in the field in which the regulations cannot be met due to unique field conditions. These situations cause delays in projects and attach additional costs to the public.

Presenter: Tony Pendola

North Carolina Department of Environmental Quality

Mr. Pendola provides advocacy services to small businesses. He addressed issues with two EPA regulations—40 CFR Part 63, subpart HHHHHH Paint Stripping and Miscellaneous Surface Coatings (which he referred to as the Auto Body Rule) and 40 CFR Part 60, subpart JJJ Petroleum Dry Cleaners. He made the following specific comments on these rules:

- Paint Stripping and Miscellaneous Surface Coatings
 - All facilities that apply coatings to motor vehicles are subject to the requirements unless they petition the Administrator for an exemption.
 - The rule was intended to regulate metal hazardous air pollutant (HAP) emissions (i.e., cadmium, chromium, lead manganese, and nickel) from the application of coatings to motor vehicles and mobile equipment. However, most of these metal HAPs have been eliminated from coatings due to regulations on the coating manufacturing industry.
 - Believes that the rule should only be applicable to facilities that use coatings with the metal HAPs and should not require a petition to the Administrator to be exempt.
- Petroleum Dry Cleaners
 - When the rule was developed, dry cleaners used transfer machines to clean clothes. Now, the majority of facilities use dry-to-dry machines, which cannot meet some of the requirements.
 - EPA Region 4 recently performed an applicability determination and found that dry-to-dry machines do not meet the definition of dry cleaning system in the rule. However, this determination was only provided in a letter and may not be known by the majority of dry cleaning facilities or regulators.
 - Recommends either that this exemption be included in the applicability section of the rule or that the rule be eliminated.

Mr. Pendola also provided the following comments on other EPA regulations:

- Eliminate the once-in, always-in applicability policy for major sources. Believes this policy is detrimental to small businesses, has no regulatory basis, and contradicts the definition of major source.
- Eliminate the summertime commercial gasoline volatility requirements (summertime fuel

standards). Believes that the removal of this requirement would save the public money and reduce the extra emissions from refining to meet these volatility requirements.

Presenter: Laura Rectenwald

Titanium Environmental Services

Titanium Environmental Services provides environmental consulting services to industrial clients. Ms. Rectenwald commented on the redundancy between Clean Air Act (CAA) Title V and New Source Review (NSR) permits, permits for stormwater discharge, and the once-in, always-in major source policy. She made the following comments on these rules:

- Title V/NSR Permits
 - The requirements for public notice for Title V and NSR permits are unnecessary and are a burden to facilities. Costs for complying with this requirement can be significant, especially in big cities.
 - Proposes providing deviation reports to the state and EPA without maintaining the continuous certification dates.
 - Believes that modernization of the public notice process will reduce the burden and costs incurred by facilities.
- Stormwater Discharge
 - Believes that stormwater monitoring should be eliminated for facilities less than 25 acres if the company employs best management practices (BMPs). Quarterly stormwater monitoring takes a lot of time and is costly. Small businesses that have implemented BMPs often do not have violations and therefore should not be required to perform the quarterly stormwater monitoring.
- Once-In, Always-In Policy
 - Recommends eliminating the Once-In, Always-In Policy for major sources. Many facilities are still subject to the Maximum Achievable Control Technology (MACT) standards even though they are below the threshold of 10/25 tons per year.
 - Believes that recordkeeping, emission calculation, and administrative errors have caused many facilities to be major sources even though they are not. The Once-In, Always-In Policy has prevented these companies from removing the major source designation.

Presenter: **Ex. 6 - Personal**

Private citizen

EX. 6 - Personal provided the following comments on the National Ambient Air Quality Standards (NAAQS);

- Recommends reducing the NAAQS to the common ground pollution pre-air standards. Recommends applying the standards to the emission source rather than an average area and eliminate time averaging.
- Notes that the NAAQS have reduced infant mortality rates, cardiac arrest, and other

health risks in the United States.

Presenter: Danielle Cioce

Harris County Engineering Department (speaking on behalf of Nick Russo)

The Harris County Engineering Department, located in Houston, TX, executes the planning, study, property acquisition, design and construction of various buildings, roads, bridges, traffic signals, drainage improvements, parks, and other architectural and maintenance projects in accordance with certain design standards and contract documents. This department also administers 13 sets of rules and regulations, including flood plain management for Harris County. Ms. Cioce provided the following comments on the Clean Water Act (CWA) and Texas Water Code:

- Supports the implementation of BMPs rather than numerical limits for stormwater discharges. Believes that EPA is moving towards effluent standards for the municipal separate storm sewer system (MS4) permits, which are burdensome and increase costs. Believes that BMPs are a cost-effective approach to maintaining water quality in communities. Notes that the CWA does not require MS4 permits.
- Supports the incorporation of nutrient data with the determination of bacteria total maximum daily load. The current regulations do not include the relationship between nutrient data and bacteria. Regulations should be based on complete science for the benefit of taxpayers.
- Believes that the Water of the United States (WOTUS) rule is not clear. Requests clarification that ditches and channels are not tributaries. Believes that if ditches and channels are included, the costs and timing of infrastructure projects would increase.

Presenter: **Ex. 6 - Personal**

Private citizen

Ex. 6 - of Mansfield, OH, provided the following comments on the role of clean water, clean air, and a stable climate:

- Disagrees with the premise of EO 13777 that environmental regulations cost jobs and reduce prosperity. Believes that these environmental regulations have the opposite effect.
- Notes that homes and businesses are part of a community and that clean air and water makes the community prosper. Provided the example of Flint, MI, where the community and businesses suffered because of lead in the water.

Presenter: La Ronda Bowen

Ombudsman, California Air Resources Board

The Ombudsman's office assists owners of small businesses who may need technical or financial help when trying to comply with regulatory requirements. Ms. Bowen provided the following comments on EPA resources for small and disadvantaged businesses:

- Believes that programs and policies for small businesses need to be continued and fully

funded. Notes that small businesses are an important part of the U.S. economy, and the programs provided by EPA are essential to this sector. This includes pollution prevention grants, advisory panels, and compliance assistance.

Presenter: Grant Carlisle
Environmental Entrepreneurs

Environmental Entrepreneurs provides services to business leaders to make a difference by helping shape policies that are good for the economy and good for the environment. Mr. Carlisle commented on the regulatory reform process, the Clean Power Plan (CPP) regulations, and automobile and heavy duty truck regulations:

- Believes that the regulatory reform process needs to be open and balanced. Suggests providing adequate notice and a 90-day public comment period.
- Believes that the CPP or similar regulation should be enacted. Believes that the CPP saves money and resources, reduces the effects of climate change, has health benefits, and is supported by the majority of Americans.
- Believes that the current automobile and heavy duty truck regulations should be kept in place. Believes that the current regulations are accepted by the manufacturing industry, reduce pollution, and provides savings to the consumer.

Presenter: Heidi McAuliffe
American Coatings Association

The American Coatings Association is a trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals and serves as an advocate and ally for members on legislative, regulatory, and judicial issues. It also provides forums for the advancement and promotion of the industry through educational and professional development services. Ms. McAuliffe provided the following comments on coating and aerosol coating regulations:

- Coatings
 - Recommends going back to the 2008 ozone standard of 0.075 parts per million (ppm). Believes that the new ozone standard of 0.070 ppm is forcing more areas into nonattainment, causing states to revise their State Implementation Plans and volatile organic compound (VOC) standards and increasing costs to facilities. Also recommends reviewing this standard every 10 years.
 - Believes that the once-in, always-in applicability policy should be eliminated for major sources. States that this is a policy and not a regulation and that many facilities are under the 10/25 limit but are still considered major sources. Notes the high cost of VOC control and the combustion products (carbon monoxide, carbon dioxide, nitrogen oxides) that are emitted from these controls.
- Aerosol Coatings
 - Believes that EPA should update the reactivity factors used for the product-

weighted reactivity limits in 40 CFR Part 59, subpart E (VOC Standards for Consumer and Commercial Products). States that the reactivity factors should be based on the latest science.

- Believes that EPA should eliminate the formulation report required to be submitted by the manufacturers every 3 years under 40 CFR Part 59, subpart E. States that this report is unnecessary and is a burden to manufacturers. Notes that the same information is provided on the aerosol cans or that EPA can request this information through a notice.

6.2 Summary of April 25 Public Meeting

In implementing EO 13777, OSDBU hosted a meeting on April 25, 2017, to consult with its external stakeholders and to hear which rules and regulations its stakeholders believe should be repealed, replaced, or modified, consistent with applicable law. The summaries are given in the order of presentations during the meeting. A total of 26 stakeholders provided comments during the meeting. Appendix B contains the list of individuals that registered for the public meeting.

Presenter: J. Steven Smith

President/Chief Executive Officer, Hoosier Energy

Hoosier Energy is a nonprofit generation and transmission cooperative providing wholesale electric power and services to 18-member distribution cooperatives in central and southern Indiana and southeastern Illinois. These members service over 300,000 rural customers, and many of these customers face economic challenges. When Hoosier Energy incurs additional costs due to regulations, these costs must be passed on to these customers. Mr. Smith mentioned several regulations/regulatory programs, including the Prevention of Significant Deterioration (PSD), Mercury and Air Toxics Standards (MATS), the CPP, Power Plant Effluent Guidelines, Disposal of Coal Combustion Residuals, and the Regional Haze Rule. He said that due to the uncertainty of these rules, Hoosier Energy has over \$86 million of “stranded” resources. Mr. Smith made the following specific comments on four of these rules:

- PSD
 - The PSD program should focus on the review of major changes. More and more, regulators are requiring that facilities undergo the full PSD process for small minor and routine changes that do not result in significant increases (maybe no increase) of emissions. EPA should make it clear that PSD only applies to major changes.
- MATS
 - Hoosier Energy closed one of its two coal-fired plants primarily due to the costs of complying with the MATS rules.
 - It has spent \$250,000 complying with the MATS rule.
- Disposal of Coal Combustion Residuals
 - The “one-size fits all” approach for coal ash disposal is not appropriate.
 - These residuals should be handled under State sludge permits.

- This issue is being revisited under a settlement agreement.
- Regional Haze
 - The authority to regulate regional haze should reside with the states, rather than EPA's approach of forcing states to implement the federal guidance.
 - The 2028 compliance cycle should be extended by 3 years.

Presenter: Jennifer Gibson

Vice President of Regulatory Affairs, National Association of Chemical Distributors

The National Association of Chemical Distributors represents chemical distributors and their supply-chain partners. It has more than 400 members, and many are small businesses based on the U.S. Small Business Administration's definition for the industry. The average member company has 26 employees and annual revenues around \$26 million. Ms. Gibson stressed that it is very difficult for small businesses to keep up with the constantly moving regulatory landscape. She specifically mentioned the following three rules:

- Risk Management Program (RMP)
 - Believes that EPA's recent amendments to the RMP are a clear example of regulatory overreach. These changes will add significant burden without improving safety in any way. The RMP program was already robust and effective. Many of these changes were in response to the fertilizer plant explosion in West Texas. However, even if these new rules were in place and the facility in full compliance, the explosion would still have occurred.
- CAA General Duty Clause
 - While this clause is in the CAA, EPA has never issued any regulations that provide clear requirements. Believes that it is a common practice for enforcement actions to issue penalties related to this clause, but without clear requirements it is very difficult to avoid these penalties.
- Toxic Release Inventory (TRI)
 - Under the TRI program, EPA treats chemical distributors the same as chemical producers, although there are significant differences in the amount of releases. The distributors reported 0.004 percent of the chemical manufacturers releases. Many distributors report very small, or even zero, emissions. These facilities should be exempt from TRI reporting.

Presenter: Rev. Linda Noonan

Senior Pastor, Chestnut Hill United Church

Rev. Noonan spoke on behalf of her church, located in Philadelphia, PA, and as the mother of a child with asthma. Her comments focused on identifying what is at stake if protecting air and water is not a priority:

- Small businesses do not have a large depth of staff and are particularly affected if their employees are not at work but out sick or out to care for sick family members. Workers will lose days on the job to illnesses resulting from a worsening environment, such as

asthma.

- CAA enforcement prevents the loss of hundreds of thousands of work hours and cases of illness related to air quality.
- Believes those who benefit from reducing regulatory requirements are not those downwind who would be affected by increased pollution. These communities are more likely to be low income and/or people of color and include vulnerable populations such as the elderly and children.
- Provided an example of areas around Philadelphia with high rates of particulates where the rates of asthma are higher than the average rate for the area.
- EPA needs to continue to be supported in order to protect against existing threats and emerging risks with common sense safeguards and protections.
- Supports fixing rules where needed but opposes the idea of arbitrarily repealing or gutting two rules for each new one.
- Believes that what is good for the environment is also good for public health, especially for the most vulnerable, and also makes economic sense.

Presenter: James W. Conrad, Jr.

Conrad Law & Policy Counsel, representing the Society of Chemical Manufacturers and Affiliates

The Society of Chemical Manufacturers and Affiliates (SOCMA) represents specialty chemical manufacturers, distributors, and affiliated service providers. SOCMA members generally produce chemicals in small batches rather than continuously, often for larger manufacturers. About 70 percent of SOCMA's members are small businesses, with one person handling regulatory affairs as one aspect of their job. SOCMA has provided input to EPA in the past on its rules. The commenter advised that EPA should not overreach to deregulate, but rather focus on revising procedural regulations to make implementation less costly while not decreasing protection for the environment and health.

Mr. Conrad provided comments on the following regulations:

- Chemical Manufacturing Area Sources (CMAS) Final Rule
 - Specialty chemical manufacturers are area sources and not major sources. The proposed CMAS rule included an exemption for all area sources subject to CMAS from the requirement to obtain a CAA Title V permit. However, in the final rule, EPA did not include this exemption. Instead, these area sources are required to obtain Title V operating permits. SOCMA petitioned for reconsideration of the final rule, and EPA changed it so that a Title V permit is only required for a synthetic area source if a federally enforceable control device has been or is installed on an affected chemical manufacturing process unit and that control device is necessary to maintain the facility's emissions at area source levels. However, SOCMA still finds this unnecessarily burdensome for small manufacturers.
 - The exemption from the rule for research and development facilities should

extend to companies that do research and development for others.

- Resource Conservation and Recovery Act (RCRA), Hazardous Waste Generator Improvements Rule, November 2016
 - EPA equates waste generators and treatment and storage facilities and therefore does not make small generators exempt from requirements, as they are intended to be. This gives EPA inspectors undue discretion in enforcement. This rule is already under review.
- Toxic Substances Control Act (TSCA), Chemical Substances when Manufactured or Processed as Nanoscale Materials; TSCA Reporting and Recordkeeping Requirements rule, published January 12, 2017
 - TSCA requires manufacturers of new chemical substances to provide specific information to the Agency for review prior to manufacturing chemicals or introducing them into commerce. Of concern to SOCMA, the January 12 rule calls for the reporting of new nanoscale materials, although this is not required by statute. EPA already has a backlog of new chemical submissions as a result of the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg Act), which amended TSCA; a voluntary rule is beyond EPA's resources. The need for this reporting discourages innovation and encourages the use of existing chemicals. Not requiring reporting of new nano size products would not diminish protection for environment and health.

Presenter: Brian Pope

Vice President of Strategy, CountryMark

CountryMark is a small American-owned oil exploration, production, refining and marketing company based in Indiana. It has 500 employees and is a cooperative owned by Indiana farmers. Mr. Pope pointed out that the CountryMark operations are very important to local rural communities in Indiana, and the people who work at CountryMark facilities live around the facilities. Thus, protection of the environment is very important to the company. Mr. Pope specifically mentioned the following two regulations:

- Tier 3 Gasoline Standards
 - The sulfur credit market program is extremely biased against refiners that are small businesses.
- Refinery National Emission Standard for Hazardous Air Pollutants (NESHAP) Fenceline Monitoring Program
 - Although EPA claims the costs of this program are low, the cost for small businesses relative to their operating budget is much higher than for large refineries.
 - Expressed concern that there are not enough laboratories in the country to process all the samples that will be generated at refineries under this program. This could lead to compliance issues.
 - The "step-down" provisions in the fenceline monitoring program allow less

frequent sampling if concentrations are low, but it takes 8 years to get to the point that sampling would only be required on an annual basis. This “off ramp” needs to be shortened.

- Expressed concern about public access to the data, specifically, that EPA needs to develop how these data will be communicated to the public.

Presenter: Bill Perdue

Vice President for Regulatory Affairs, American Home Furnishings Alliance

The American Home Furnishings Alliance represents more than 400 companies that produce home furnishings, and over 90 percent are small businesses. They are part of a sector that creates over 100,000 jobs. Mr. Perdue highlighted the Composite Wood Products Formaldehyde Standard (the “formaldehyde rule”) in the following comments:

- This industry already must comply with the California Air Resources Board (CARB), so formaldehyde is well controlled as all/most of the furniture made complies with the CARB rule.
- EPA’s rule largely mirrors the CARB rule, with one major exception. The definition of fabricated laminated products lumps together the manufacturers of these products and the finishers that use these products to create furniture. This rule would result in over \$10 million of new compliance costs to these finishers with basically no formaldehyde reduction or environmental benefit.

Presenter: Fern Abrams

Director of Regulatory Affairs and Government Relations, Association Connecting Electronics Industries

The Association Connecting Electronics Industries (IPC) represents about 1,700 printed circuit board and electronics manufacturing service companies in the United States; 80 percent are small and medium-size businesses. IPC supports cost-effective and science-based regulations and only seeks to identify regulations that pose a burden without environmental benefits.

Ms. Abrams provided comments on the following regulations:

- TRI reporting
 - TRI is a reporting regulation; it does not control releases but only documents storage and use.
 - TRI requirements include an exemption for small businesses, but these are defined as entities with 10 employees or fewer; this is too small to represent the size of a small manufacturer. EPA should consider revising the definition to take into account the characteristics of a small manufacturer.
 - In 2001, EPA lowered the TRI reporting threshold for lead and lead compounds from 25,000 pounds to 100 pounds based on EPA’s classification of lead as a persistent bioaccumulative toxic (PBT) metal. As a result, the reporting burden increased greatly. Thresholds for reporting releases of lead mean that 84 percent

of forms filed by manufacturers account for only 6 percent of the lead released, and many facilities report zero releases of lead but still must spend about \$4,000 per facility to prepare the report because of the low threshold. IPC believes that the PBT methodology is more appropriate for organic compounds and should not be used to evaluate metals. EPA should reconsider the lowered threshold and look to the Metals Assessment Framework for evaluating lead, not one intended for organic chemicals.

- IPC will also make comments on range reporting and de minimis quantities.
- RCRA
 - IPC shares SOCMA's concerns.
 - Believes that the November 2016 RCRA Hazardous Waste Generator Improvements Rule clarified matters and brought efficiency, but also made it such that any violations of the conditions for exemption as a very small generator – even minor – would cause the facility to be treated at the same level as the largest generator. EPA should revisit this portion of the rule.

Presenter: Jess McCluer

Vice President of Safety and Regulatory Affairs, National Grain and Feed Association

The National Grain and Feed Association (NGFA) has more than 1,000 members that operate more than 7,000 facilities across the United States. A majority of its members are small businesses. Mr. McCluer specifically spoke about the Grain Elevator New Source Performance Standards (NSPS):

- The development of the Grain Elevator NSPS has been a 10-year journey. The rule was finalized in 2007, but amendments were proposed. At one point in this process, the Office of Management and Budget (OMB) indicated the rule was significant, so it went to OMB for review. NGFA submitted comments to EPA and OMB, and the final amendments were ready to be signed. However, the previous Administration did not sign the rule, and now it is back at EPA for review. The assumption is that the 2007 rule still applies. However, EPA should clarify the status and next steps with this rule.

Presenter: Martha Marrapese

Partner, Wiley Rein LLP, representing the NanoManufacturing Association

The NanoManufacturing Association is an alliance of nanomanufacturers and related associations, including many small businesses, affected by EPA's January 2017 rule to report new nanoscale materials under TSCA.

Ms. Marrapese provided the following comments on the rule:

- Believes that the rule goes well beyond reporting requirements per TSCA section 8(a). While companies with existing materials have 1 year to report, those putting the material into commerce for the first time would have to file lengthy forms at least 135 days in advance of commercialization, without a sunset period. Although the preamble indicates that a company can go to market as soon as this information is submitted, it is not stated

in the rule itself, and even the most hazardous chemicals do not have this requirement.

- Preparation of each report costs about \$9,000. The rule poses a hidden cost on small businesses. Although small manufacturers or processors are exempted from reporting, the rule defines “small” as a company that has sales of less than \$11 million per year. While this threshold was raised from the draft rule, in this industry a small business has annual revenues closer to \$22 million.
- The reports call for a lot of new information, and there is a lot of uncertainty about the information needed and how to interpret the rule. However, EPA will not issue guidance until after the effective date of the rule (May 12, 2017). Although the rule was originally proposed by EPA in 2011, it only came out in final form after TSCA reauthorization.
- Believes that nanomaterials should be treated as existing substances rather than new materials.

Presenter: Nick Goldstein

Vice President of Regulatory Affairs and Assistant General Counsel, American Road and Transportation Building Association

The American Road and Transportation Building Association represents the private and public transportation sectors that build roads and transportation systems. The sectors provide 3.3 million jobs, and around 94 percent of the industry is made of small businesses with annual revenues less than \$35 million. Mr. Goldstein provided comments on the following two regulatory programs:

- NAAQS
 - Believes that the constant review and revision of NAAQS, and the subsequent development of new implementation plan requirements, is very harmful to the transportation sector. A major reason for this harm is that federal highway funds are tied to attainment status. Therefore, this constantly changing landscape means states and cities are reluctant to plan long-term transportation projects due to the uncertainty of future federal funding.
 - Recommends that EPA take into account the air quality improvements that have occurred and that continue to occur from one NAAQS change before lowering a NAAQS again and starting the clock over, essentially “moving the goalposts.”
- Transportation Conformity Process
 - Believes that the transportation conformity process is not really following the requirements of the CAA and has lost the focus on any aspect that affects air quality. Rather, the process is focused entirely on “dotting the i’s and crossing the t’s,” and environmental benefit has been lost. EPA should change this schedule-based “stop-gap” approach to focus on long-term solutions.

Presenter: Theresa Pugh

Consultant, Theresa Pugh Consulting

Ms. Pugh provides advocacy and other consulting services to a variety of industries with a focus on environmental regulations. She provided comments on NSR/PSD; Startup, Shutdown, and Maintenance; the CPP; and 40 CFR Part 60, subpart OOOOa (the Oil and Gas Methane NSPS), as well as on the SBREFA process. In addition, she provided a general comment about EPA's transparency (or lack of) in identifying industries potentially affected.

Ms. Pugh made the following comments:

- Recommends that the NSR/PSD guidance be repealed. EPA should return to prior guidance. In other leading industrial counties (e.g., Japan, Canada), permitting comparable to NSR/PSD encourages modifications that improve performance. This is unlike EPA's program, which is a major discouragement for industry to perform upgrades to its processes (even if the result is a net environmental benefit).
- EPA should repeal the startup, shutdown, and maintenance regulations.
- EPA should repeal the CPP, and EPA should focus on inside the fenceline.
- Believes that the equipment leak repair provisions in 40 CFR Part 60, subpart OOOOa, are unworkable for the pipeline transmission industry. The rule requires that repairs be made within 30 days of finding the leak. In many cases, this will require a shutdown of the pipeline, which will disrupt delivery and cause problems for customers. EPA should revise the rule to allow a longer period before repairs are required for pipelines so that repairs can be made during low-demand periods.
- Believes that EPA needs to be more attentive to the SBREFA process. Cited examples where it was done well and the input of small businesses was truly considered (e.g., polychlorinated biphenyl (PCB) rule and 316(b) rule. Believes EPA just "checked the box" in other cases and did not value any of the input from small businesses (CPP, RMP, utility MACT).
- Believes that EPA must be more transparent when it is proposing requirements that could affect additional industries (other than ones being directly impacted) in the future by the setting of a precedent. Cited the Ferroalloys MACT, which requires a specific camera technology to detect leaks of particulate matter. Although the two plants in the U.S. ferroalloys industry that will be impacted by the rule were aware of it and could therefore provide input, EPA was clear that it intends to require this camera technology to many/all industries that emit particulate matter in the future. However, the preamble only indicated that the ferroalloys industry was affected.

Presenter: Paul Schlegel

Director, Energy and Environment Team, American Farm Bureau Federation

The Farm Bureau is a federation of state Farm Bureaus and represents farms and ranches.

Mr. Schlegel provided a written copy of his talking points to EPA at the meeting, which are provided in Appendix C. Following is a summary of his comments on the CWA regulations:

- WOTUS Rule, effective August 2015
 - Supports the agency's review, announced in February 2017, of the rule, which should be repealed and the issue of jurisdiction revisited.
- CWA Section 404(f)
 - Believes that, although the CWA includes an exemption for "normal farming" activities, EPA continually promulgates regulations to restrain or restrict this exemption.
 - EPA should not infringe on these exemptions given by Congress.
- Prior Converted Croplands
 - These are wetlands converted to agricultural lands before 1985. The preamble of the 1993 EPA and U.S. Army Corps of Engineers (Corps) rule states that once land has been converted to cropland, it is exempt from CWA Section 404, which protects wetlands. However, EPA has not followed this in practice, holding that such lands are only exempt as long as they remain farmland.
 - The status of prior converted croplands needs to be clarified.
- Wetlands Manuals:
 - EPA states that the 1987 Corps wetlands delineation manual should be used. The manual includes three criteria that must be present to find an area a wetland (based on vegetation, soils and hydrology). In practice, regional delineation manuals that do not necessarily include all three criteria are used.
 - EPA should call for use of a consistent manual that is put through the rulemaking process.
- Spill Prevention, Control, and Countermeasure (SPCC) Rule:
 - EPA has discretion to determine the threshold for farms and has chosen to take the strictest interpretation for farms.
 - Believes that farms have never posed an issue in this area and as such should have greater flexibility.

Mr. Schlagel also commented on the Agricultural Worker Protection Standard under the Federal Insecticide, Fungicide, and Rodenticide Act:

- The standard is intended to protect agricultural workers with regard to pesticides. Under it, farmers are obligated to surrender proprietary records to a third party. The third party would have the ability to disseminate these proprietary records. They could be used, for example, to organize protests of a farm using a registered pesticide.

Presenter: Marcia Kinter

Vice President, Specialty Graphic Imaging Association, also representing the Graphic Arts Coalition

The Specialty Graphic Imaging Association represents more than 35,000 screen and digital printing facilities with an average of 15 employees each. The intent of the association's comments is to maintain environmental protection but reduce the burden where costs are imposed with no additional environmental protection.

Ms. Kinter provided the comments on the following regulations:

- 40 CFR Part 63 NESHAP General Provisions
 - In 2003, EPA proposed to revise the General Provisions to provide regulatory relief for pollution prevention options that achieve equivalent reductions to those required by a specific regulation. However, the final rule did not include this relief. EPA should add it now.
 - In 2007, EPA proposed to revise the General Provisions to replace the 1995 Once-In, Always-In Policy and to allow sources to become area sources at any time and no longer be subject to the rule. This revision was never finalized. EPA should do so now.
- SPCC definition of “oil”:
 - Under the SPCC program, the requirements for products that are “oil” should not be extended to “oil in any product.” Instead, products that are not oil are regulated as such. For example, inks that contain oil but have the consistency of peanut butter, and as such do not spread, require spill control measures to be taken, although they are not needed.
 - EPA should revise this interpretation.

Presenter: Tim Hunt

Senior Director of Air Quality, American Wood Council

The American Wood Council represents an industry that employs over 400,000 people in the United States, and about 200,000 of these people work for small businesses. About 65 percent of the total value of shipments from the industry are from small businesses. Mr. Hunt presented comments on the following two rules:

- Plywood and Composition Wood Products MACT
 - As EPA moves forward to address risk and technology review, it will likely regulate small sources of emissions that were not covered by the original rule. Believes that the appropriate means to address these emissions is through work practice standards.
 - For the risk and technology review, EPA has developed an Information Collection Request (ICR) that will be used to gather data for the risk and other analysis.
 - As drafted, responding to this ICR will be very expensive to the industry. Believes that the test plan requirements could cost the industry about \$10 million. EPA has sufficient data to develop the standards, and work practice standards are the appropriate means to address the issue.
 - The industry also needs more time than proposed by EPA to complete the surveys.
 - The survey should be limited to only the major operators.
 - The survey should exclude operating data.
- Boiler MACT
 - This has been a 20-year process, and all the stop and starts has resulted in over

\$200 million of stranded costs. EPA should complete the rule so there will be certainty in the industry.

Presenter: Jeffrey Leiter

Bassman, Mitchell, Alfano & Leiter, representing the Independent Lubricant Manufacturers Association

The Independent Lubricant Manufacturers Association represents more than 350 companies that produce automotive and metalworking lubricants.

Mr. Leiter provided the comments on the following regulations:

- TSCA:
 - EPA has indicated that it was considering banning mid- and long-chain chlorinated paraffins, which would result in a cost of more than \$70 for manufacturers and their customers to reformulate their metalworking fluids.
- SPCC:
 - Appreciates the concept of the SPCC program, to keep spills of oil from leaving a property, but believes that EPA's SPCC program is burdensome. EPA is under a requirement from a court settlement to expand the program beyond oil to other substances, besides water, stored in a tank. Tank farms store many such substances and would face costs of more than \$100 million as a result. Requests that EPA reopen the matter with the court.
 - The WOTUS Rule would also expand the number of facilities subject to SPCC regulations.
 - SPCC requires periodic integrity testing of tanks. This requires hiring specialized contractors at a high cost per tank. These requirements could be relaxed in cases where issues with spills have not occurred. The rule allows facilities the flexibility to determine the qualifications of the personnel performing the tests and inspections, and the frequency and type of testing and inspections, but EPA inspectors do not always recognize such equivalency.

Presenter: Ex. 6 - Personal Privacy
Private citizen

Ex. 6 - expressed her support for the CWA and her opposition to any revision or repeal of its regulations, which are needed to protect all rivers.

Ex. 6 - Personal made the following comments, focusing on the James River in Virginia:

- Small businesses along the river, such as those in recreation and tourism, depend on the health of the river for their business. Believes that EPA needs to consider them, not only the needs of "industry" small businesses, in determining the potential impacts of regulations and any repeal or lessening of their protections.
- These small businesses are impacted by the pollutants that large and small industries have emitted into the rivers. For example, fishing licenses bring revenue to the state, but the

demand for them declines after a spill.

- Cost may be an excuse for small businesses not to comply with a rule, but the cost can be greater if they do not comply. Spills of toxic chemicals result in both health risks and costs.
- Pesticides used by any type of business, large or small, pose a risk. The runoff of stormwater brings more pollutants into the water.
- Without regulations, there is a risk to all citizens, and EPA has an important role to preserve natural resources for the use of all.

Presenter: Ivy Main

Volunteer with the Sierra Club and Renewable Energy Chair

As the Sierra Club's Renewable Energy Chair, Ms. Main promotes small wind and solar businesses. She commended EPA's progress in protecting the environment, now in a time of crisis as industrial producers wished to be relieved of burden. She expressed concern about the short notice of the meeting, perceived lack of speaking slots, and the lack of assigned time slots, which makes public participation difficult and means that not all who wanted to speak could do so.

Ms. Main made the following comments:

- EPA should not set aside public health, and its responsibility to the public, to help business, even small businesses.
- Believes that American ingenuity will always find a way to comply with regulations without losing businesses. Industry has responded positively to restrictions on chlorofluorocarbons and unleaded gasoline, for example.
- Cited an enforcement case where a company maintained that it could not comply because of cost. However, the company subsequently find a way to comply while also saving money. When it came to setting a fine based on the amount of money saved through its noncompliance, the company made the case that it therefore owed nothing.
- New businesses are now involved with renewable energy and will be affected by changes to environmental regulations that lessen protections aimed at traditional energy companies.
- The United States has become the world's largest economy while also protecting the environment.

Presenter: **Ex. 6 - Personal Privacy**

Private citizen

Ex. 6 - Personal Privacy

Comments focused on addressing the importance of EPA and noted that the most important stakeholders for EPA are grandchildren and future generations. As such, there is no such thing as a small violation, whether by a small or a large business. She felt that greater public participation in this EPA information gathering process would occur if such events were hosted by the EPA regions.

Ex. 6 - Personal made the following comments:

- Rather than roll back regulation, EPA should look at further opportunities to protect public health and spur innovation, such as requiring catalytic converters on gas-powered mowers and keeping chemicals out of dryer sheets.
- Those who would roll back EPA should remember the past. Previous attitude to pollution in the 1970s was that it was a necessary side effect of jobs. However, pollution became a problem and caused health effects. Although industry denied the problem, the CAA was later enacted.
- It is important to recognize the environmental side effects, such as acid rain and air pollution, of modern conveniences.
- EPA should not deny climate change and deny science. The Agency should not be intimidated by short-sighted personalities that do not understand the global impact of their behaviors.
- Believes that EPA needs to restore trust, truth, and transparency in the process of government in order to engage all citizens.

Presenter: **Ex. 6 - Personal**

Private citizen

Ex. 6 - noted that the location of these public meetings in Washington, DC, made them difficult to attend.

Ex. 6 - made the following comments:

- EO 13777 came on the heels of the January 30, 2017, Presidential Executive Order on Reducing Regulation and Controlling Regulatory Costs, which calls for the identification of two existing regulations to be repealed for every new regulation proposed.
- Believes the Administration wants economic development without regulation and will not admit that human activity has caused environmental problems.
- Market demand is driving the country towards renewable energy regardless of any rollback in regulations.
- Climate change is important to address because it also impacts business, for example in terms of flooding.
- Many large corporations, as well as the public, are still committed to addressing climate change.
- EPA should not roll back the CAA, Mercury and Air Toxics rule, the CPP, and the Cross State Air Pollution rule.
- Taxpayer money should not be used towards polluting practices or products.
- The government should ask citizens to find a way to reduce their use of resources as a patriotic duty.

Presenter: Jim Doyle

President, Business Forward

Business Forward provides input on policy issues affecting America's economic competitiveness

from the perspective of business. The group is compiling about 500 comments from its business leader members to submit to EPA. About 95 percent of the comments support action on climate change. The comments identify the weather-related impacts on all types of business, in terms of foot traffic, travel delays, and supply chain interruption, as potential concerns related to climate change.

Mr. Doyle made the following comments on the CPP:

- Believes the CPP will not increase costs much and will not affect many businesses. No business owner the commenter has interacted with believes that they will shut down because of cost increases caused by the CPP.
- On the other hand, the impact to supply chains from climate change will pose a larger problem for business. Unexpected downtime will result from storms disrupting supply chains.

Presenter: Michael Mittelholzer

Assistant Staff Vice President, Environmental Policy, National Association of Home Builders

The National Association of Home Builders (NAHB) is a federation of more than 700 state and local associations and represents more than 140,000 members. The majority are small businesses with less than 12 employees. Mr. Mittelholzer noted that regulations at all levels of government account for 25 percent of the cost of a new home. He observed that agencies are already required to review rules, even prior to the EO, and EPA was already reviewing some of interest to NAHB.

Mr. Mittelholzer provided comments on the following regulations:

- WOTUS Rule
 - Believes required permits under CWA Section 404 are costly and time consuming to obtain. The average cost for a permit to dredge and fill a wetland under Section 404 is \$270,000 and takes 850 days. Nationwide Permits, which streamline the process for certain activities, cost \$30,000 and take an average of 313 days to obtain. These costs do not include fees for mitigation projects.
 - EPA is already reviewing the WOTUS rule; believes the WOTUS rule should be revised to have a clearer definition of WOTUS.
 - Congress prefers states to regulate, instead of the federal government, and CWA Section 404(g) allows for states to administer their own permit programs. However, only two states have been delegated the Section 404 program. Believes EPA should continue the former administration's progress in examining barriers to states taking on the program.
- Construction General Permit Stormwater Pollution Prevention under CWA Section 402
 - If a state administers Section 402 programs (National Pollutant Discharge Elimination System (NPDES)), then the same parcel of land is regulated twice. The requirements for a Stormwater Pollution Prevention Plan apply to both the major developer and also to those working on individual lots.
 - Believes compliance costs could be reduced if builders within a subdivision use a

voluntary compliance template that NAHB worked on with EPA (“Small Residential Lot Stormwater Pollution Prevention Plan Template”). EPA should move beyond considering such a tool as guidance only so that it can count for compliance.

- TSCA Lead Renovation, Repair, and Painting Rule
 - Believes it is appropriate to avoid disturbance of lead-based paint.
 - The rule requires that firms performing renovation, repair, and painting projects that disturb lead-based paint in homes, child-care facilities, and preschools built before 1978 have to have their firm certified by EPA or an EPA-authorized state, use certified renovators who are trained by EPA-approved training providers, and follow lead-safe work practices.
 - EPA recognizes three lead test kits (two available nationwide) for use in identifying whether lead is present in a home for the purpose of complying with the rule.
 - Finds that the EPA-recognized lead test kits are unreliable. They have false positives about two-thirds of the time, so homes where there is no lead paint or where lead is at very low levels are having to apply the rule.
 - Believes EPA should review the cost-benefit analysis of this rule and review its applicability to ensure that it is tailored to those homes with the highest risk (i.e., those constructed before 1960).

Presenter: Joe O'Donnell

Manager, Government and Public Affairs, International Wood Products Association

The International Wood Products Association (IWPA) represents suppliers of all types of international wood products. Many of its member companies are small family-owned businesses. Mr. O'Donnell commented on the TSCA Composite Wood Products Formaldehyde Standard:

- Believes that the standard will result in higher prices and loss of jobs, primarily because of the delays in the effective date and subsequent compliance dates. The rule was finalized on December 12, 2016, and the effective date was set as March 21, 2017. On March 20, EPA extended this effective date until May 22, 2017, as part of the President's Regulatory Freeze Pending Review directive.
- Although IWPA supports the review of the rule, EPA must also extend the compliance dates accordingly. Compressing the time frame between the effective date and the compliance date make it practically impossible to bring the supply chain into compliance by the compliance dates.
- Believes that the labeling requirements will be very confusing. Voluntary labeling should be allowed early to start the process of bringing all the supply chain into compliance with these labeling requirements.

Presenter: Samantha McDonald

Director of Government Relations, Independent Petroleum Association of America

The Independent Petroleum Association of America represents independent oil and natural gas producers in the United States, and its membership includes a strong small business component. Ms. McDonald explained that these small businesses are the primary operators of the “marginal wells” in the United States. A marginal oil well produces about 2.7 barrels of oil per day, and a marginal gas well produces around 22,000 cubic feet of gas per day. Approximately 80 percent of U.S. oil wells are marginal wells, and about two-thirds of the gas wells are marginal. Oil and gas well production depletes over time, and the natural progression is that large companies originally drill and operate the wells and then sell them to small businesses as their production declines to these marginal levels. She believes that EPA’s regulatory programs fail to recognize the impact of regulations on these marginal wells. Ms. McDonald specifically mentioned the following three regulatory programs as particularly harmful to the small businesses operating marginal wells:

- Oil and Gas NSPS (40 CFR Part 60, subparts OOOO and OOOOa)
 - Because these standards apply to new sources, it is thought that they have a limited impact on small businesses. However, the requirements imposed by these NSPS apply over the life of the wells. Believes that the leak provisions are especially harmful because they result in ongoing costs rather than to one-time capital costs. As the well production declines, the cost effectiveness of this leak program increases. By the time the well becomes marginal and a small business may wish to purchase it, these costs are prohibitive. When EPA proposed subpart OOOOa, it included an exclusion for low-producing wells. However, EPA removed this exclusion in the final rule. Notes that this rule was specifically identified for review under EO 13783, and believes that this review must reinstate the exemption for low-producing wells.
- Oil and Gas CTGs
 - The Oil and Gas CTGs will apply to existing sources in ozone nonattainment areas. Believes that these guidelines, which mirror those in the NSPS, do not recognize the impacts on small operators with low-producing wells. They also do not recognize a difference in applying controls on new sources versus the low-producing marginal wells. EPA should suspend or withdraw the CTGs and thoroughly assess the impacts on small businesses.
- Oil and Gas Effluent Guidelines
 - The Oil and Gas Effluent Guidelines include pretreatment standards that apply to onshore unconventional oil and gas extraction facilities that discharge to publicly owned treatment works. Although these standards target unconventional formations, they do not exclude the conventional formations that had been developed for decades prior to the shale gas boom. These conventional wells are largely operated by small businesses.
 - The guidelines prohibit discharges to publicly owned treatment works from oil

and natural gas facilities. This denies the use of environmentally acceptable options such as underground injection or recycling.

Presenter: Martha Roberts

Senior Manager, Climate & Air Policy, Environmental Defense Fund

The Environmental Defense Fund considers the Administration to be attacking environmental and health safeguards. This would result in more pollution, early death, more asthma attacks, and missed school and work. EPA should strengthen regulatory safeguards, not roll them back. Environmental protection is supported by the public. It helps save lives and avoid illness, and it creates opportunities for economic savings and growth. Robust economic growth has accompanied environmental protection in the United States, and the two are not at odds.

Ms. Roberts provided comments on the following programs and regulations:

- Federal Clean Car Standards:
 - These General Mobile Source programs, including greenhouse gas reduction and fuel efficiency standards, reduce consumer spending fuel.
 - The U.S. automobile industry has returned to profitability even as environmental standards were strengthened.
- Clean Energy Programs (renewable energy and energy efficiency initiatives, including waste and transportation programs):
 - The clean energy market is growing. Clean energy industries employ more people than the coal industry does, including people in rural and minority communities.
- TSCA and Chemical Safety:
 - The Lautenberg Act reforming TSCA requires EPA to review the safety of new and existing chemicals and makes more information about chemicals available by limiting companies' ability to claim information as confidential.
 - To implement the law, EPA needs to remain a credible regulatory agency.
 - Believes that industry seeks to tie EPA's hands in its ability to obtain information on chemicals, which undermines public trust.

Presenter: LeAnn Johnson

Perkins Coie LLP, representing a coalition of small refinery owners

Ms. Johnson provided the following comments on 40 CFR Part 80, subpart M, Renewable Fuel Standard:

- Believes that this standard benefits big oil companies and large retailers. It does not meet its goals to reduce greenhouse gas emissions or dependence on foreign oil. Instead, it increases dependence on foreign biofuels.
- Congress intended to increase renewable fuel blending, which has not happened under this standard. Instead, large refineries blend renewable fuel with fuel they produce. Small refineries cannot blend enough renewable fuel into their finished products and therefore must purchase credits, called Renewable Identification Numbers (RINs), which are open for anyone to purchase.

- Large refineries sell RINs to small refineries and are profiting from them while thwarting the purposes of the program.
- Refineries that do not have to blend do so in order to sell RINs, driving up their prices. This harms small business and does not serve the regulatory intent. RINs represent one of the highest costs of small refineries.
- Small refineries can receive a hardship exemption, and many small refineries did so in the first years of the rule. However, an EPA and U.S. Department of Energy addendum issued in May 2014 (the “midnight addendum”) changed the scoring to qualify for this exemption. Believes this change makes it nearly impossible for a small refinery to receive the exemption unless almost bankrupt. Large refineries are now buying the smaller ones.
- EPA should change the definitions of “obligated party” and “renewable fuel blender” to stop the unfair practice of selling RINs.
- The 2014 addendum that changed scoring for the hardship exemption should be rescinded.

Presenter: Eric Stuart

Vice President Energy and Environment, Steel Manufacturers Association of America

The Steel Manufacturers Association of America (SMA) represents electric arc furnace (EAF) producers in North America. Member companies produce steel from recycled steel scrap. The industry employs over 60,000 people. Mr. Stuart provided the following comments on steel production from EAFs:

- The industry has problems competing with EAF producers in China and other countries where the EAF industry is not subjected to the same level of regulation, although issues other than environmental regulations also contribute to this challenge.
- While this industry is heavily regulated, it is committed to environmental protection, and its core values include compliance with all environmental regulations.
- An example is the industry’s efforts to get rid of mercury-containing switches, which has resulted in preventing more than 7 million tons of mercury from being introduced into the environment. However, EPA is gathering data and evaluating moving from this highly successful program to a more expensive and less effective program. While SMA is working closely with EPA on this effort, believes that the best option is to simply extend the existing mercury switch program.
- EPA could modify regulations to be less costly while still being effective by (1) streamlining the permitting process, (2) reducing the reporting and recordkeeping burdens, and (3) improving the models used to predict environmental impacts.

7.0 Docket Summaries

This section summarizes written comments placed in to dockets EPA-HQ-OA-2017-0178 and EPA-HQ-OA-2017-0190 in response to EO 13777 as of May 2, 2017. The dockets were searched using the keywords “small business” to identify comments that focused on small business issues.

7.1 Docket: EPA-HQ-OA-2017-0178

Tyrel Stevenson, Coeur d'Alene Tribe

Docket ID: EPA-HQ-OA-2017-0178-0017

- Recommends extending the expiration period for environmental site assessments in the interest of streamlining the fee-to-trust process. The regulations at 25 CFR Part 151 governing the acquisition of properties in trust for tribes or individuals require such an assessment, and the current 180-day expiration date is often unreasonably short for the fee-to-trust process.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0178-0012

- Supports a number of EPA programs, including the small minority business assistance program.
- Believes that EPA protects the most vulnerable of our citizens, namely the poor and children, and minorities.

7.2 Docket: EPA-HQ-OA-2017-0190

Jeff Sims, President, Truck Trailer Manufacturers Association

Docket ID: EPA-HQ-OA-2017-0190-0442

The Truck Trailer Manufacturers Association represents more than 70 trailer manufacturers with offices and plants located in more than 33 states. Most of these manufacturing companies are small businesses, and together they manufacture nearly all of the heavy-duty truck trailers sold and operated in the United States. Mr. Sims provided the following comments:

- Rescind the requirements for trailer manufacturers in the Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2. These requirements mandate the installation of side skirts, trailer tails, low-rolling resistance tires, and tire monitoring/inflation systems on most trailers manufactured and sold in the United States beginning in 2018.
- These small businesses will incur substantial expenditures for parts inventory and for reconfiguring manufacturing plants and assembly lines to enable installation of the required devices.

- Believes that aerodynamic equipment provides reduced fuel consumption for trailers used on long hauls, but side skirts and trailer tails add significant weight to trailers and thus are counterproductive in multiple short-run operations and at lower speeds.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-1098 & -1099

- Small business owner who opposes any rollback of EPA regulations and believes that the EPA should be fully funded and supported.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-1309

- Opposes the power that EPA has over small businesses.

Ex. 6 - Personal Privacy Public comment

Docket ID: EPA-HQ-OA-2017-0190-1683

- Believes that EPA regulations have a direct positive impact on citizens and no real effect on businesses.
- Believes that any decline in small businesses is a result of large businesses and their unfair practices and the fact that much of the small business work is becoming automated.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-1427

- EPA regulations create jobs for small businesses that assist industry in complying with these regulations.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-1446

- Supports the current water regulations and believes that repealing or rolling back any regulations regarding clean water will hurt small businesses and increase health care costs.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-1498

- Supporting the environment provides a stronger economy. Believes that relaxing these regulations will hurt tourism, both large and small businesses, and quality of plant and animal life.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-1667

- Supports the methane regulations for the oil and gas industry. States that jobs associated

with detecting and repairing methane leaks are performed by small businesses that have experienced up 30-percent business growth in states with methane regulations. This regulation not only promotes health and safety, but it also creates jobs for American people.

- Supports the CAA; CWA; Safe Drinking Water Act; Safe Drinking Water Act Compliance Assistance and Monitoring; NPDES; Endangered Species Act; Municipal Solid Waste Landfill Air Pollution Standards; RCRA Corrective Action; Ozone Layer Protection Regulatory Programs; Comprehensive Environmental Response, Compensation, and Liability Act of 1980; Beaches Environmental Assessment and Coastal Health Act; Hazardous Waste Act; and Hazardous Waste Compliance Monitoring.
- Believes that stronger regulations are needed to ensure that drinking water is not polluted during fracking operations. Fracking involves pushing thousands of chemicals into the earth, and only about 50 percent of those chemicals are later extracted. The rest of the chemicals infiltrate various systems (water systems, food/planting, etc.).

Tim Herman, Whitehouse, OH

Docket ID: EPA-HQ-OA-2017-0190-1776

- Opposes a rollback of environmental regulations in the name of “job growth.”
- Environmental regulations create new and diverse employment opportunities and a niche for small businesses to establish themselves and grow. These jobs diversify the workforce and are much more resilient than the low-level positions for large corporations.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-2412

- Repealing environmental regulations will lead to greater costs and burden on local communities, small businesses, and the middle class. If regulations are repealed, industries will be allowed to pollute our air, soil, and water, which will lead to greater risk of illness and disease. Also, the cost of cleaning up polluted resources will ultimately fall on communities and local municipalities.

Jed Anderson, Environmental Attorney with the AL Law Group and an Adjunct Professor of Law at the University of Houston Law School

Docket ID: EPA-HQ-OA-2017-0190-0226

Mr. Anderson offered a proposal that reduces regulations by approximately 75 percent and provides considerations for small businesses while improving air quality (see attachment to comment, *The Clean Air Act Reauthorization of 2017*):

- The proposal could be accomplished via reforms to the CAA or potentially by consolidating statutory programs via a regulation or EO that creates an alternative means of compliance and consolidates compliance.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-3315

- EPA regulations restrict some small businesses, which affects their revenue and increases their expenses. Some companies rely on income from natural resources, which may include the destruction of the environment.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-3374

- EPA should help small businesses navigate the compliance of regulations and speed up the environmental impact statement comment process. This would help small business owners reduce a vast amount of overhead and reduce delays in all sorts of business proposals.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4223

- EPA creates one set of standards and regulations for companies, corporations, and citizens to comply with. Without these EPA regulations, there will be 50 different regulations and standards. Some will be stricter, and some will be looser. Having different regulations will be confusing and difficult for small businesses, corporations, or citizens to comply with. When there were no EPA regulations, there were polluted rivers, acid rain, and a hole in the ozone layer.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4236

- Disagrees that EPA regulations eliminate or inhibit jobs. Rather, they create jobs for small and large businesses. These jobs include environmental firms, site cleanup specialists, water/air quality engineering and research firms, alternative energy material manufacturers, and the wind and solar industry. States that solar and wind jobs are growing at a rate 12 times as fast as the rest of the U.S. economy.
- EPA regulations and reforms are necessary and provide benefits to the American people that outweigh any perceived or potential burdens. Reducing regulations would impair public health via decreased water and air quality and through global warming, which are already costing Americans billions of dollars from unpredictable weather patterns and natural disasters.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4253

- Believes that the applicability threshold in 40 CFR Part 63, subpart JJJJJ, is too low (10 MMBtu/hr) and should be raised to 30 MMBtu/hr. The primary sources impacted by this regulation include small businesses, high schools, middle schools, and hospitals.
- States that the staff at those facilities generally have no experience interpreting

regulations or are unaware that they are responsible for complying with new federal regulations. The burden for informing these small businesses and institutions of this requirement falls upon the state and local agencies that are already understaffed and overburdened.

Frank Gaudet, PE, Regulatory Compliance Services, Inc.

Docket ID: EPA-HQ-OA-2017-0190-4326

Mr. Gaudet is a small business owner and environmental engineer with 32 years of experience. His business assists other small businesses with compliance in almost all areas of EPA regulations, including hazardous waste, community right to know, air, wastewater and stormwater. Mr. Gaudet provided the following comments:

- Believes that many regulations need updating. Many of these regulations have not been reviewed since they were originally promulgated, and they contain rules that are awkward, outdated, or reflect old technology.
- As an example, the RCRA regulatory definition for the term “solid waste” includes liquid and gas. Recommends changing the term to “waste.”

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4423

- Recommends elimination of the Once-In, Always-In Policy for major sources. Many facilities are still subject to the MACT standards even though they are below the threshold of 10/25 tons per year. Believes that recordkeeping, emission calculation, and administrative errors have caused many facilities to be major sources even though they are not. The Once-In, Always-In Policy has prevented these companies from removing the major source designation.
- The NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity places a disproportionate burden on small businesses. Believes that stormwater monitoring should be eliminated for facilities less than 25 acres, if the company employs BMPs. Quarterly stormwater monitoring is time consuming and costly. Small businesses that have implemented BMPs often do not have violations and therefore should not be required to perform the quarterly stormwater monitoring.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4465

- EPA regulations create jobs for small businesses. As an example, green completions for oil and gas wells provide an opportunity for small businesses that innovate and improve technology and create opportunities for consultants who help companies meet the requirements in efficient and cost-effective ways.

Docket ID: EPA-HQ-OA-2017-0190-4465

- Disagrees with the premise of EO 13777 that environmental regulations cost jobs and reduce prosperity. Believes that these environmental regulations have the opposite effect.
- As an example, if people who own small businesses and homes in an area find out their water supply is poisoned with lead, they would not then be able to sell their homes or businesses, because no one wants to live there anymore.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4585

- Small business owner who believes that it is each individual's responsibility to strive to have as little negative impact as possible on his or her employees, customers, community, supply chain, and world.
- There are costs that come with mitigating risks and harm; for small businesses, those costs represent a greater percentage of profits than for multinational organizations.
- Urges the administration to keep policies in place to protect American citizens and the environment. The decisions made today will have an impact for generations to come.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4610

- Small business owner who has not found federal environmental laws and regulations to be onerous or taxing.
- Believes that the CAA and CWA, along with other regulations, have markedly improved the air and water in communities.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4726

- Supports EPA to protect the environment, and thus the health of America.
- Believes that repealing regulations helps big corporations make more profit, it but does not help small businesses or American citizens.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4753

- Small business renovation contractor who has taken the EPA-mandated courses and is registered with EPA as a lead safe renovator.
- States that the EPA rules place the full burden and liability on the contractor in charge, which makes the small business vulnerable to liability. Notes that it is expensive to obtain a general liability insurance policy that covers the business for lead.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4942

Environmental scientist with over 30 years of experience as a state regulator and consultant provided the following comments on RCRA, TCSA, Superfund, asbestos, and other issues:

- RCRA
 - Believes that the RCRA corrective action program is more concerned about “bean counting” than environmental protection. States that regulatory staff regularly apply pressure on small businesses to change their fiscal priorities in order to quickly address low-risk items to meet Agency goals and to document the program’s “success.”
 - The sites covered by RCRA are only a few percent of the total number of sites needing attention. They frequently present very low risk to human health and the environment, but they become a higher priority than other sites because they are tracked in a specific federal database and reported annually to Congress.
- TCSA
 - Believes that TSCA regulations (most notably for PCBs) are inflexible in comparison to other EPA programs.
 - States that trace levels of PCBs in window caulk, widely used in the 1950s and 1960s, must be removed regardless of whether it poses a risk. This removal is creating havoc on local school budgets for any building undergoing renovation.
- EPA Superfund program
 - Believes that the EPA Superfund program is incredibly wasteful.
 - For example, at Durham Meadows over a million dollars was spent to remove lead that exceeded criteria, even though it was related to native minerals and not releases at the metalworking facility. Believes that the site was not a significant risk to health since public water was extended as the final solution and that public exposure to the soils could have been much more cost effectively achieved by capping.
 - Believes that the EPA Superfund program is also incredibly slow in making decisions, by delaying the implementation of remedial measures until multiple layers of review and comment are completed.
- Asbestos
 - EPA is presently regulating all asbestos minerals alike, although research shows that only one of the three major asbestos minerals is a significant health risk.
 - EPA continues to require costly remedial measures for the demolition of old buildings, requiring all asbestos to be treated alike.
 - Recommends that EPA be required to perform an open-minded review of the toxicological data.

The commenter also commented on the banning of incandescent light bulbs, the protection of mountain lion habitats in New England, the amount of training for Occupational Safety and Health Administration Hazardous Waste Operations and Emergency Response Standard status for entry into “uncontrolled” hazardous waste sites, and the difficulty to obtain permission to fill a tiny 100-year-old manmade fire pond on a former industrial site.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4959

- Small business owner who believes that regulations enforced by EPA are critical to ensuring that the United States retains the resources it has in perpetuity.
- Clean air and water regulations protect the health and longevity of the ecosystems on which the continued prosperity of the country relies.
- Recommends that EPA consider actions in terms of their effect on seven generations, not simply their immediate economic impact.

Ex. 6 - Personal

Docket ID: EPA-HQ-OA-2017-0190-5013

- Small business owner who is opposed to the rollback of regulations designed to protect the environment.
- Believes that the argument that environmental regulations cost this nation money and jobs is false. As an example, states that the small coffee business that he runs would collapse if the nation's water goes back to being as polluted as it once was before the CWA.
- States that the effects of global warming would kill crops his business needs to survive, and the repeal of regulations would allow pollutants that caused the acid rain to be emitted into the atmosphere again.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-5175

- Believes that none of the EPA regulations are “outdated, unnecessary, or ineffective,” “impose costs that exceed benefits,” “eliminate jobs,” or “inhibit job creation.” Believes that ensuring a clean environment instead creates jobs.
- As an example, OMB estimates that regulatory benefits exceed regulatory costs by 7 to 1 for significant regulations. EPA estimates that the regulatory benefits of the CAA exceed costs by a ratio of 25 to 1. Similarly, a study of EPA rules issued during the Obama Administration found that their regulatory benefits exceeded costs by a ratio as high as 22 to 1.
- Many evaluations of regulations by EPA and the Occupational Safety and Health Administration found that the regulations are still necessary and do not produce significant job losses or have adverse economic impact on the regulated industries, including small businesses.
- The American Lung Association recently released a survey showing that three out of four voters support EPA in setting tougher standards on specific air pollutants, including mercury, smog, and carbon dioxide, as well as setting higher fuel efficiency standards for heavy-duty trucks.
- Working with EPA, the State of California reduced the number of Stage 1 Smog Alert days in southern California from 121 days in 1977 to zero days since 1997.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-5410

- Supports strong environmental regulations. Believes that it would be a huge step backwards to start unwinding the federal policies that have resulted in such widespread environmental improvement.
- Streamlining compliance with existing and new regulations would be a great thing for small businesses.
- Recommends that cost/benefit analyses of regulations include a proper accounting of the non-economic (i.e. environmental and ecosystem service) benefits of these regulations.
- Urges the Regulatory Reform Task Force to consider whether existing rules are strict enough given advances in the science of each of the regulated pollutants. Notes that in many cases, the human, animal, or environmental health risks begin at much lower exposure levels than currently mandated limits.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-5678

- The government should regulate clean air, regulate clean water, tax fossil fuel companies, support small renewable energy businesses, and sponsor policies that encourage American innovation in the environmental sector.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-5884

- Father owned a small business for 40 years that made air pollution control equipment. His business supported his employees and children for decades and protected the environment.

**APPENDIX A: LIST OF INDIVIDUALS REGISTERED FOR THE
APRIL 20, 2017 WEBINAR***

Name	Email
Ex. 6 - Personal Privacy	

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

*This list comprises the individuals who registered for the webinar. EPA did not confirm that each of these individuals participated.

**APPENDIX B: REGISTRATION LIST FOR THE APRIL 25, 2017 PUBLIC
OUTREACH MEETING***

Organization	Name	Contact Information
EXTERNAL REPRESENTATIVES		
CountryMark	Brian Pope Topic: Fenceline Monitoring and Tier III Gasoline Standards	Brian.Pope@CountryMark.com
IPC – Association Connecting Electronics Industries	Fern Abrams Director of Regulatory Affairs and Government Relations Topic: Resource Conservation and Recovery Act, Listed Hazardous Waste F006 and Definition of Solid Waste Act; discussing TRI reporting for lead, particularly the 2001 rule	fabrams@ipc.org
National Grain and Feed Association	Jess McCluer Vice President Topic: NSPS Subpart DD – Standards of Performance for Grain Elevators	jmccluer@ngfa.org
Wiley Rein LLP	Martha Marrapese Partner Topic: EPA TSCA Nanomaterial Reporting Rule – Concerns of Processors	mmarrapese@wileyrein.com
American Wood Council	Tim Hunt Topic: General	Tim_Hunt@afandpa.org
Moms Clean Air Force	Gretchen Dahlkemper Director, Clean Air Moms Action National Field Director Topic: Clean Power Plan, methane, ozone and mercury	gretchen.dahlkemper@gmail.com
American Road & Transportation Builders Association	Nick Goldstein Vice President of Regulatory Affairs & Assistant General Counsel Topic: Clean Air Act Reforms (NAAQS and Transportation Conformity)	ngoldstein@artba.org

Represent some small electric utilities owned by municipal governments with <50,000 in population	Theresa Pugh Topics: 1) New Source Review/PSD and permit streamlining; 2) Clean Power Plan regulation revisiting; 3) Dispersion modeling under CAA; 4) either CSAPR issues and Water rules.	theresapughconsulting@gmail.com
	Paul Schlegel Director, Energy and Environment Team Topics: Worker Protection Standard (WPS) rule, the 'waters of the US' (WOTUS) rule, perhaps the Spill Prevention Control and Containment	pauls@fb.org
American Home Furnishings Alliance	Bill Perdue VP for Regulatory Affairs Topics: Formaldehyde Emissions from Composite Wood Products	bperdue@ahfa.us
National Rural Electric Cooperative Association	Dorothy Kellogg Sr. Principal Topic: Water & Waste Issues	dorothy.kellogg@nreca.coop
Specialty Graphic Imaging Association	Marcia Y. Kinter Vice President Topic: Once in always in policy SPCC Emergency Planning and Community Right to Know	marcik@sgia.org
Independent Lubricant Manufacturers Association	Jeffrey Leiter Topic: Modifications to the SPCC regulations	jleiter@bmalaw.net
Student	Sara Sass Topic: Clean Water Act	ss7220a@student.american.edu
Virginia Chapter of the Sierra Club	Ivy Main Renewable Energy Chair Topic: General	eifionamain@gmail.com
National Association of Chemical Distributors (NACD)	Jennifer Gibson Topic: Risk Management Program rule, the Clean Air Act General Duty Clause, and Toxic Release Inventory reporting requirements for NAICS code 424690	jgibson@nacd.com

Society of Chemical Manufacturers and Affiliates (SOCMA).	James W. Conrad, Jr. Conrad Law & Policy Counsel Topic: Batch and specialty chemical industry	jamie@conradcounsel.com
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Chestnut Hill United Church	Rev. Linda Noonan Senior Pastor Topic: General	lindanoonan@mac.com
Private Citizen	Etta Albright Topic: General	albrightel@aol.com
Private Citizen	Claudia Crane Topic: General regulations	claudia@claudiacrane.com
BusinessFrw.org	Jim Doyle Topic: Clean Power Plan	jdoyle@businessfwd.org
National Association of Home Builders	Michael Mittelholzer Topics: <ul style="list-style-type: none"> • Construction General Permit (CGP) under the Clean Water Act Section 402 • Definition of “waters of the U.S.” also under the Clean Water Act, and • Renovation, Repair, and Painting (RRP) rule under the Toxic Substances Control Act 	MMittelholzer@nahb.org
International Wood Products Association	Joe O'Donnell Topic: Formaldehyde Emission Standards for Composite Wood Products	joe@iwpawood.org
Independent Petroleum Association of America	Samantha McDonald Topic: Independent oil and natural gas production	SMcDonald@ipaa.org
Environmental Defense Fund	Martha Roberts Senior Manager, Climate & Air Policy Topic: Important health and economic implications of EPA safeguards	mroberts@edf.org

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Philip Flanders

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Mike Scozzafava

Christine Ruf

Macara Lousberg

**Office of Enforcement
and Compliance
Assurance**

Caroline Emmerson



**This list comprises the individuals who registered for the meeting. EPA did not take roll during the meeting to confirm that each of these individuals attended.

**APPENDIX C: MATERIAL PROVIDED TO EPA DURING APRIL 25, 2017 MEETING-
PROVIDED BY PAUL SCHLEGEL, DIRECTOR, ENERGY AND ENVIRONMENT
TEAM, AMERICAN FARM BUREAU FEDERATION**

Statement by American Farm Bureau Federation

To

U.S. Environmental Protection Agency On Implementing Executive Order 13777

The American Farm Bureau Federation commends EPA for holding this meeting and giving stakeholders an opportunity to identify rules that create unnecessary regulatory burdens for farmers and ranchers. AFBF is the nation's largest general farm organization, representing producers in all 50 states and Puerto Rico. Our members are engaged in virtually every facet of agricultural crop and livestock production and are directly affected by a wide range of EPA regulations.

EPA recently opened a docket (EPA-HQ-OA-2017-0190) to receive comments that will be reviewed by the agency's Regulatory Reform Task Force. AFBF will file more extensive comments to this docket, but we highlight below several particularly important regulations that need review, modification or repeal. At the outset, we wish to make a general observation.

AFBF supports water and air standards that reflect the intent of Congress in protecting our natural resources. We do not view this initiative as undermining those protections, nor would we suggest it should. The docket the agency has opened, however, Docket No. EPA-HQ-OA-2017-0190, has already received thousands of comments, many of them anonymous and misconstruing or misinterpreting the purpose of EO 13777; many of these comments ask the agency to abandon the effort, seemingly on the grounds that any revision of any rule, regardless of the rule's defects, will undermine environmental protections. We do not share that view and we urge the agency not to be dissuaded from the responsibility it has in fulfilling EO 13777. Nothing in the EO asks or requires the agency to ignore nor could it relieve the agency of its statutory requirement to implement the environmental laws Congress has passed.

Regulations we recommend be evaluated and modified by EPA

1. Federal Jurisdiction under the Clean Water Act ("Waters of the US" (WOTUS))

On February 28, President Trump signed an executive directing EPA to review the WOTUS rule and publish a proposal rescinding or revising it. AFBF strongly supports that initiative and urges EPA to pursue this effort aggressively. Specifically, we ask the agency to undertake the following:

a. To repeal the existing rule (80 Fed. Reg. 37054).

b. In a separate rulemaking, to propose a revised rule that more closely adheres to the language of the Clean Water Act and Supreme Court decisions in *Riverside Bayview*, *SWANCC* and *Rapanos*.

2. Clarification of regulations under the Clean Water Act

There are a number of regulations that implement the Clean Water Act. The following have a significant impact on agricultural production:

a. Spill Prevention, Control and Countermeasures (SPCC) rule

EPA has been granted flexibility by Congress in determining the appropriate threshold for farms to be exempt from SPCC. In a study mandated by the Water Resources Reform and Development Act of 2014 (WRRDA), EPA took the most restrictive approach possible, arguing implausibly that “lack of evidence that farms are inherently safer than other types of facilities” dictates a stricter standard—even though there is virtually no history of spills from agricultural facilities and the existing standards are based on risks posed by industrial facilities that are not comparable to farms. We urge EPA to revisit this rule and to adopt a 6,000-gallon threshold—or higher if possible—which reflects the reality of the risk posed by agricultural operations.

b. Normal farming activities under the Clean Water Act

Sec. 404(f) of the Federal Water Pollution Control Act (33 USC 1344(f)(1)) provides an exemption from permitting for a wide range of normal farming and ranching activities, including plowing, seeding, cultivating and harvesting for the production of food, fiber, and forest products. That section of the law also exempts construction or maintenance of farm or stock ponds or irrigation ditches and maintenance of drainage ditches. Even though this language is written in the law, EPA has increasingly used its regulatory and enforcement authority to narrow its interpretation of what constitutes a normal farming activity. We urge the agency to clarify its regulations and to grant farmers and ranchers the full exemption Congress intended. Congress has included appropriations riders directing EPA and the U.S. Army Corps of Engineers to eliminate funding for 404(f)(2); however, EPA and the Corps have ignored Congress' directives.

c. Prior Converted Cropland

Over two decades ago, EPA promulgated regulations that said wet lands converted before 1985 into farmland were prior converted croplands (PCC) and were therefore not “waters of the U.S.” Yet EPA in recent years has attempted to erode this exemption and re-regulate these lands. EPA should affirmatively act to ensure that PCC lands are not subject to wetlands regulations regardless of how the land is used.

3. Worker Protection Standards (WPS) rule

In the WPS rule promulgated in September 2015, EPA included a provision that permits anyone claiming to be a designated representative (DR) to gain access to a farmer's proprietary records relating to pesticide use. Although the Federal Insecticide, Fungicide and Rodenticide Act requires EPA to share any regulation with Congress before it is signed by the Administrator, EPA inserted the DR provision into the final version of the WPS rule without first sharing it with Congress. More importantly, the DR provision provides farmers with no protection from fraudulent or counterfeit claims; does not provide any assurance that records released will be shared with workers; and imposes no constraints on what DRs may do with the documentation once it is obtained. We strongly urge EPA to revisit this provision in the WPS and propose eliminating it entirely.

4. Corps of Engineers Regional Supplements

In 1993, Congress directed the Corps to utilize its 1987 National Wetlands Delineation Manual to identify regulated wetlands until such time as a final manual is adopted. Rather than adopt a new Manual, the Corp has expanded its regulatory authority through regional supplements that further

relax the criteria for identifying wetlands. Both the manual and its supplements are moving targets that allow for expansion for federal control over private lands. Yet neither has ever been subject to the rigors of a transparent rulemaking. We strongly urge EPA, as the agency with primary authority under the Clean Water Act, to work with the Corps to eliminate the regional supplements. We further recommend that EPA conduct a formal rulemaking to finalize the criteria used to define a jurisdictional wetland as required by statute in 1993.

As stated earlier, AFBF will be filing more extensive comments i n the docket. However, we highlight these specific rules as particularly necessary to be addressed. We welcome the opportunity to provide these comments and will be pleased to work with the agency on this important effort.

**APPENDIX D: LIST OF REGULATIONS/PROGRAMS IDENTIFIED BY
COMMENTERS AS CANDIDATES FOR REPEAL, REPLACEMENT, OR
MODIFICATION**

Common Name (Acronym)	Regulatory Citation	No. of Comments
Clean Water Rule, or Waters of the United States Rule	33 CFR 328 – Definition of Waters of the United States	8
Toxic Substances Control Act (TSCA)		7
Part 63 Once-In Always-In	40 CFR 63, subpart A	5
Spill Prevention, Control, and Countermeasure (SPCC)	40 CFR 112 – Oil Pollution Prevention	4
National Pollutant Discharge Elimination System (NPDES)	40 CFR 122 – National Pollution Discharge Elimination System	4
Clean Power Plan (CPP)	40 CFR 60, subpart UUUU – Emission Guidelines for Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units	3
Toxic Release Inventory (TRI)	40 CFR 372 – Toxic Chemical Release Reporting: Community Right to Know	3
Lead Renovation, Repair and Painting Rule	40 CFR 745 – Lead-Based Paint Poisoning Prevention in Certain Residential Structures	3
Regulation of Fuels and Fuel Additives	40 CFR 80 – Regulation of Fuels and Fuel Additives	3
New Source Review (NSR)/ Prevention of Significant Deterioration (PSD)	40 CFR 51, subpart I – Review of New Sources and Modifications, Section 51.165 – Permit requirements. 40 CFR 51, subpart I – Review of New Sources and Modifications, Section 51.166 – Prevention of significant deterioration of air quality.	2
National Ambient Air Quality Standards (NAAQS)	40 CFR 50 – National Primary and Secondary Ambient Air Quality Standards 40 CFR 51 – Requirements for Preparation, Adoption, and Submittal of Implementation Plans	2
Composite Wood Products Formaldehyde Standard	40 CFR 770 – Formaldehyde Standards for Composite Wood Products – under Formaldehyde Standards for Composite Wood Products Act, or Title VI of the Toxic Substances Control Act (TSCA)	2
Oil and Gas Methane New Source Performance Standards (NSPS)	40 CFR 60, subpart OOOOa – Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015	2
Volatile Organic Compound (VOC) Standards for Consumer and Commercial Products	40 CFR 59, subpart E – VOC Standards for Consumer and Commercial Products	2
Chemical Manufacturing Area Sources (CMAS)	40 CFR 63, subpart VVVVVV – National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources	2
Mercury and Air Toxics Rule (MATS)	40 CFR 63, subpart UUUUU – National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units	1
Disposal of Coal Combustion Residuals	40 CFR 257, subpart D – Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments	1
Risk Management Program	40 CFR 68 – Chemical Accident Prevention Provisions	1

Rule (RMP)		
Regional Haze	40 CFR 51, subpart P – Protection of Visibility	1
General Duty Clause	CAA Section 112(r)(1)	1
Refinery National Emission Standard for Hazardous Air Pollutants (NESHAP) Fenceline Monitoring	40 CFR 63, subpart CC – National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries – Section 63.658 – Fenceline monitoring provisions	1
Plywood and Composite Wood Products Maximum Achievable Control Technology (MACT)	40 CFR 63, subpart DDDD – National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products	1
Grain Elevator NSPS	40 CFR 60, subpart DD – Standards of Performance for Grain Elevators	1
Boiler MACT	40 CFR 63, subpart DDDDD – National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters	1
Transportation Conformity	40 CFR 93, subpart A – Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws	1
Oil and Gas Effluent Guidelines	40 CFR 435, subpart C – Effluent Guidelines and Standards, Oil and Gas Extraction Point Source Category	1
Oil and Gas Control Techniques Guidelines (CTGs)	Control Techniques Guidelines for the Oil and Natural Gas Industry	1
Startup, Shutdown, and Maintenance	40 CFR 63, subpart A	1
Electric Arc Furnace (EAF) Steelmaking NESHAP	40 CFR 63, subpart YYYYYY – National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities	1
Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2	40 CFR 1037 – Control of Emissions from New Heavy-Duty Motor Vehicles	1
Summertime Fuel Standards	40 CFR 80.27 – Regulation of Fuels and Fuel Additives	1
Superfund Landowners Standards	40 CFR 312 – Superfund Innocent Landowners Standards for Conducting Inquiries	1
Boiler Area Source NESHAP	40 CFR 63, subpart JJJJ – National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources	1
Asbestos Emission Standard	40 CFR 61, subpart M – National Emission Standard for Asbestos	1
Part 63 General Provisions	40 CFR 63, subpart A – General Provisions	1
Paint Stripping/Auto Body Rule	40 CFR 63, subpart HHHHHH – Paint Stripping and Surface Coating Area Source NESHAP	1
Worker Protection Standard	40 CFR 170 – Worker Protection Standard	1
Hazardous Waste Regulations	40 CFR 260-265, 268, 270, and 2279 – Hazardous Waste Regulations	1
Petroleum Dry Cleaner NSPS	40 CFR 60, subpart JJJ – Petroleum Dry Cleaner NSPS	1
Summertime Fuel Standard	40 CFR 80.27 – Summertime Fuel Standard	1
Wetlands Delineation Manual	40 CFR 232, 1987 Army Corps of Engineers Wetland Delineation Manual	1
Resource Conservation and	Volume 81 of the Federal Register, page 85732, Hazardous Waste	

Recovery Act (RCRA) Hazardous Waste Generator Improvements Rule	Generator Improvements Rule	
Superfund	EPA Superfund Program, established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980	1

Office of Chemical Safety and Pollution Prevention (OCSPP)
Office of Pesticide Programs (OPP)
Regulatory Reform Options for Repeal, Replacement, or Modification
Pending further review.

Program Area	Target Area	Description	Stakeholder Input	Options for Action	EPA Workload/ Timing	Anticipated Burden Reduction	Additional Information
Identified and Underway							
Worker Protection	Worker Protection Standard	Ex. 5 - Deliberative Process					
Worker Protection	Certified Applicators Rule						
Potential Near Term Considerations							
Registration	Data Driven Decisions	Ex. 5 - Deliberative Process					
Potential Longer Term Considerations							
Inter-agency coordination	Duplicative jurisdictions	Ex. 5 - Deliberative Process					

Office of Chemical Safety and Pollution Prevention (OCSPP)
Office of Pollution Prevention and Toxics (OPPT)
Regulatory Reform Options for Repeal, Replacement, or Modification

Pending further review.

Program Area	Target Area	Description	Stakeholder Input	Options for Action	EPA Workload/ Timing	Anticipated Burden Reduction	Additional Information
Identified and Underway							
Formaldehyde	TSCA Title VI: Early Labeling	<h1>Ex. 5 - Deliberative Process</h1>					
Formaldehyde	TSCA Title VI: Compliance Date Delay						
Formaldehyde	TSCA Title VI: Update to Voluntary Consensus						

Program Area	Target Area	Description	Stakeholder Input	Options for Action	EPA Workload/ Timing	Anticipated Burden Reduction	Additional Information
Section 8(a)	Nanomaterials reporting rule under TSCA section 8(a)	<div>Ex. 5 - Deliberative Process</div>					
New Chemicals	Section 5 Review Process Efficiencies						
Potential Near Term Considerations							
New Chemicals	Modification of Polymer Exemption	<div>Ex. 5 - Deliberative Process</div>					

Program Area	Target Area	Description	Stakeholder Input	Options for Action	EPA Workload/ Timing	Anticipated Burden Reduction	Additional Information
New and Existing Chemical Significant New Use Rules (SNURs)	Modification of SNUR Regulations for Clarification Purposes						
Formaldehyde	TSCA Title VI: Noncomplying Lots						

Ex. 5 - Deliberative Process

Program Area	Target Area	Description	Stakeholder Input	Options for Action	EPA Workload/ Timing	Anticipated Burden Reduction	Additional Information
		<h1>Ex. 5 - Deliberative Process</h1>					
Formaldehyde	TSCA Title VI: Import Certification						
Formaldehyde Ex. 5 - Deliberative Process	TSCA Title VI: Finished Good Classification for Manufactured Housing						

OFFICE OF POLICY ISSUES TRACKER

	Issue	Summary	Staffer	Action Items	Deadline or milestone?	Next Step
1.	WOTUS			Ex. 5 - Deliberative Process		
2.	CPP					
3.	NSPS for EGUs					
4.	NSPS for O&G					
5.	WOTUS EO					
6.	Energy Independence EO					

7.	Regulatory Reform EO					
8.	Presidential Memorandum on Permit Streamlining/Domes tic Manufacturing					

Ex. 5 - Deliberative Process

9.	Reorganization EO			Ex. 5 - Deliberative Process		
10.	ELG					
11.	CCR					
12.	RFS					
13.	GHG/CAFE Standards					

14.	Hardrock Mining Financial Assurance					
15.	Superfund Initiative					
16.	TSCA/LCSA Implementation					
17.	Metrics/Dashboard					
18.	Land/Emergency Response					

INTERNAL – DELIBERATIVE PROCESS

OFFICE OF POLICY ISSUES TRACKER

	Issue	Summary	Staffer	Action Items	Deadline or milestone?	Next Step
1.	WOTUS			<div>Ex. 5 - Deliberative Process</div>		
2.	CPP					
3.	NSPS for EGUs					
4.	NSPS for O&G					
5.	WOTUS EO					
6.	Energy Independence EO					

INTERNAL – DELIBERATIVE PROCESS

7.	Regulatory Reform EO			
8.	Presidential Memorandum on Permit Streamlining/Domes tic Manufacturing			
9.	Reorganization EO			
10.	ELG			

Ex. 5 - Deliberative Process

INTERNAL – DELIBERATIVE PROCESS

				Ex. 5 - Deliberative Process		
11.	CCR					
12.	RFS					
13.	GHG/CAFE Standards					
14.	Hardrock Mining Financial Assurance					

INTERNAL – DELIBERATIVE PROCESS

15.	Superfund Initiative			<div>Ex. 5 - Deliberative Process</div>		
16.	TSCA/LCSA Implementation					
17.	Metrics/Dashboard					
18.	RMP					
19.	Cement RTR					
20.	NAAQS					

INTERNAL – DELIBERATIVE PROCESS

21.	Worker Protection Standards		
22.	Pesticide Applicator		
23.	FERC		Byron
24.	Delta Smelt		Sarah
25.	Puerto Rico		Byron
26.	Steel/Pipe Waivers		
27.	Enforcement		
28.	OA Memos		

Ex. 5 - Deliberative Process

INTERNAL – DELIBERATIVE PROCESS

					Ex. 5 - Deliberative Process			
29.	Reporting Requirements							

President Trump has issued several directives aimed at reducing unnecessary regulatory burdens on Americans. Administrator Pruitt has taken significant action to swiftly implement these directives while balancing the EPA’s core mission of providing clean air and water.

Presidential Directives aimed at reducing regulatory burdens:

- **Presidential Memorandum on Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing** (Jan. 24, 2017) directs the executive branch to reduce the burden on domestic manufacturing by streamlining permitting processes.
- **EO 13771 on Reducing Regulation and Controlling Regulatory Costs** (Jan. 30, 2017) directs agencies to repeal two existing regulations for each new regulation (i.e., “2 for 1”).
- **EO 13777 on Enforcing the Regulatory Agenda** (Feb. 24, 2017) establishes a federal policy “to alleviate unnecessary regulatory burdens” on the American people. It requires each agency to create a Regulatory Reform Task Force to evaluate existing regulations and to identify regulations that should be repealed, replaced, or modified.
- **EO 13778 on Reviewing the “Waters of the United States” Rule** (Feb. 28, 2017) directs EPA and the Army Corps to review, and possibly rescind or revise the 2015 WOTUS rule.
- **EO 13783 on Promoting Energy Independence and Economic Growth** (Mar. 28, 2017) directs agencies to review regulatory actions that burden the development or use of domestic energy, and specifically directs EPA to review certain rules (e.g. Clean Power Plan).

EPA Regulatory Reform Efforts taken pursuant to these presidential directives include:

- **Task Force:** On March 24, Administrator Pruitt designated a Regulatory Reform Officer and established a Regulatory Reform Task Force.
- **Public Meetings:** Per Administrator Pruitt’s March 24 memo, EPA held more than a dozen public meetings related to the agency’s regulatory reform efforts in April and May. More than 200,000 stakeholders were independently invited by the program offices to participate.
- **New Webpage:** On April 11, EPA launched a new webpage that details the agency’s regulatory reform efforts: <https://www.epa.gov/laws-regulations/regulatory-reform>.
- **Public Comment:** On April 13, EPA opened a 30-day public comment period to solicit input on opportunities for regulatory reform and received over 460,000 comments, including a record-breaking number of individual comments (63,346).
- **Energy Independence Plan and Draft Report:** On May 12, EPA submitted its plan for implementing EO 13783 to OMB.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

- **Regulatory Reform Progress Report:** On May 26, the Regulatory Reform Task Force sent its progress report on the agency’s regulatory reform efforts to Administrator Pruitt.
- **Coordination with Dep’t of Commerce on Permit Streamlining:** EPA has worked closely with Commerce to provide information and feedback for its forthcoming plan identifying recommendations to reduce regulatory burdens for domestic manufacturing. EPA also reviewed the 170 public comments submitted to Commerce’s docket, of which most comments focused on EPA’s air permitting programs (e.g., NSR, Title V, SSM, etc.).
- **Updated Social Cost of Carbon and Methane Estimates:** EPA was the first agency to revise the social cost of carbon and social cost of methane in accordance with EO 13783.

EPA Regulatory Actions Taken: Per these Presidential directives, EPA has initiated a review of specific regulations and taken action to reduce regulatory burdens, including:

- **WOTUS:** EPA has initiated its review of the rule, and a proposal to withdraw the 2015 rule was signed by EPA and Army Corps on June 27.
- **Methane Information Collection Request (ICR):** On March 2, EPA withdrew the ICR, leading to an estimated \$37 million in cost savings.
- **Risk Management Plan (RMP):** On June 9, the Administrator signed a final rulemaking to delay the effective date of the RMP rule to February 2019, which will allow time to consider several petitions for reconsideration of the rule.
- **Light-duty Vehicle Mid-Term Evaluation:** On March 15, EPA and DOT announced its intent to reconsider the final determination that the greenhouse gas standards for light-duty vehicles for model years 2022- 2025 were appropriate.
- **Clean Power Plan and Related Actions:** EPA has initiated its review of the CPP and the GHG NSPS at Electric Generating Units. On March 28, EPA announced its withdrawal of the Federal Plan/Trading Rule/Framework Amendments under the CPP.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

- **Methane Oil and Gas Rule:** EPA initiated a review of the rule and has proposed extending compliance dates for certain elements of the rule under reconsideration.
- **Steam Electric Effluent Limitation Guidelines:** On April 12, EPA announced its decision to reconsider the rule and postpone certain compliance deadlines that had not yet passed pending judicial review per APA §705. On June 6, EPA issued a proposed rule to postpone compliance deadlines until completion of the reconsideration.
- **Landfill Methane Rules:** On May 23, EPA announced a 90-day administrative stay for the rules.
- **Certified Pesticide Applicators Rule:** On May 26, EPA delayed the effective date of this rule until May 22, 2018, and has initiated a review of the rule.
- **Formaldehyde Emission Standards for Composite Wood Products:** On May 24, EPA issued a direct final rule and parallel proposed rule to extend compliance dates of the rule.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Presidential Directives:

- **EO 13771 on Reducing Regulation and Controlling Regulatory Costs** (Jan. 30, 2017), directs agencies to repeal two existing regulations for each new regulation (i.e., “2 for 1”).
- **EO 13777 on Enforcing the Regulatory Agenda** (Feb. 24, 2017), established a federal policy “to alleviate unnecessary regulatory burdens” on the American people. It requires each agency to create a Regulatory Reform Task Force to evaluate existing regulations and to identify regulations that should be repealed, replaced, or modified.
- **EO 13783 on Promoting Energy Independence and Economic Growth** (March 28, 2017), directed agencies review regulatory actions that burden the development or use of domestic energy, and specifically directed EPA to review certain rules (e.g. Clean Power Plan).
- **Please add wotus eo ...**
- **Please add permit streamlining and domestic manufacturing...**

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- **Task Force:** On March 24, Administrator Pruitt designated a Regulatory Reform Officer and established a Regulatory Reform Task Force.
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- **Progress Report:** On May 26, the Regulatory Reform Task Force sent its progress report on the agency’s regulatory reform efforts to Administrator Pruitt.
- **Energy Independence Plan and Draft Report: ...**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

- **Coordination with Department of Commerce:** The Department of Commerce issued a Request for Information per the Presidential Memorandum on Streamlining Permitting and Reducing Regulatory Burden for Domestic Manufacturing, which resulted in 170 public comments, with most EPA-relevant comments focused on air permitting programs (e.g., NSR, Title V, SSM, etc.).
- **Updated Social Cost of Carbon and Methane Estimates:** EPA was the first agency to revise the social cost of carbon and social cost of methane in accordance with EO 13783.

Ongoing EPA Regulatory Action: EPA has initiated a review of specific regulations and taken action to reduce regulatory burdens, including:

- **WOTUS:** EPA has initiated its review of the rule, and a proposal to withdraw the 2015 rule was signed by EPA and Army Corps on June 27.
- **Methane Information Collection Request (ICR):** On March 2, EPA withdrew the ICR, leading to an estimated \$37 million in cost savings.
- **Risk Management Plan (RMP):** On June 9, the Administrator signed a final rulemaking to delay the effective date of the RMP rule to February 2019, which will allow time to consider several petitions for reconsideration of the rule.

- **Light-duty Vehicle Mid-Term Evaluation:** On March 15, EPA and DOT announced its intent to reconsider the final determination that the greenhouse gas standards for light-duty vehicles for model years 2022- 2025 were appropriate.
- **Clean Power Plan and Related Actions:** EPA has initiated its review of the CPP and the GHG NSPS at Electric Generating Units. On March 28, EPA announced its withdraw of the Federal Plan/Trading Rule/Framework Amendments under the CPP. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

- **Methane Oil and Gas Rule:** EPA initiated a review of the rule and has proposed extending compliance dates for certain elements of the rule under reconsideration.
- **Steam Electric Effluent Limitation Guidelines:** On April 12, EPA announced its decision to reconsider the rule and postpone certain compliance deadlines that had not yet passed pending judicial review per APA §705. On June 6, EPA issued a proposed rule to postpone compliance deadlines until completion of the reconsideration.
- **Landfill Methane Rules:** On May 23, EPA announced a 90-day administrative stay for the rules. Ex. 5 - Deliberative Process
- **Certified Pesticide Applicators Rule:** On May 26, EPA delayed the effective date of this rule until May 2018 and has initiated a review of the rule.
- **Formaldehyde Emission Standards for Composite Wood Products:** On May 24, EPA issued a direct final rule and parallel proposed rule to extend compliance dates of the rule.

Ex. 5 - Deliberative Process

May 9, 2017

MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY

FROM: Ryan Jackson, Chief of Staff, U.S. Environmental Protection Agency

SUBJECT: Environmental Protection Agency Weekly Update for the Week of May 9, 2017

EPA 30-Day Policy Look Ahead

A. Presidential Decisions/Initiatives

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

B. Reports to Congress

1. **2016 SUPERFUND REPORT TO CONGRESS:** Consistent with CERCLA section 121(c), Executive Order 12580 and the National Contingency Plan, EPA is responsible for reviewing Superfund remedial actions at least every five years where contaminants remain on site above levels that allow for unlimited use and unrestricted exposure. EPA prepares an annual report to Congress providing a list of sites and information about sites where additional work is required.

Timing:

Ex. 5 - Deliberative Process

EPA will submit to the Hill. **Contact:** Jim Woolford, Woolford.james@epa.gov

C. State-Based Issues

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

D. Significant Rulemakings

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

E. Legal Decisions

1. [ISSUE]: Description
Timing: Contact:
2. [ISSUE]: Description
Timing: Contact:
3. [ISSUE]: Description
Timing: Contact:

F. Release of High-Profile Grants

1. **\$56.5 MILLION FOR BROWNFIELDS ASSESSMENT AND CLEANUP IN 171 COMMUNITIES:** EPA plans to announce \$56.5M in funding of new brownfields assessments and cleanup in 171 communities across the country. List of grantees will be developed internally this upcoming week. Grant funds may be used to address sites contaminated by, or potentially contaminated by, petroleum and hazardous substances, pollutants, or contaminants (including hazardous substances co-mingled with petroleum):
 - Assessment grants provide funding for a recipient to inventory, characterize, assess, and conduct planning and community involvement related to brownfield sites. Recipients will each receive approximately \$200-600K in EPA cooperative agreement funding.
 - Cleanup grants provide funding for a recipient to carry out cleanup activities at

brownfield sites. An eligible entity may apply for up to \$200K per site and up to three sites in in a competition cycle.

Timing: Projected announcement day is May 23, 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

2. **\$6.8 MILLION FOR DUSABLE PARK REMEDIATION PROJECT:** This Cooperative Agreement (CA) provides funding in the amount of \$6.8M to the Chicago Park District (CPD) to complete property line to property line screening of the fill material for thorium at the DuSable Park site. CPD will remove and dispose of all thorium contaminated material (thorium source material, thorium product, thorium byproduct material/waste, soil, sediments, debris and fill materials with thorium or thorium byproduct contamination).
Timing: Mid May 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs
3. **\$4.2 MILLION FOR LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY:** EPA plans to announce \$4.2M in funding that will go toward LDEQ's administration of environmental management programs that monitor and control hazardous and solid waste, water and air pollution. This amount is part of more than \$6.9M in performance partnership grants awarded to LDEQ this fiscal year. This project will help Louisiana resource the most pressing environmental problems while taking advantage of the unique capacities of their federal partner.
Timing: Week of May 8, 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs
4. **\$2.77 MILLION FOR STATE OF TEXAS WATER POLLUTION REDUCTION:** To assist Texas Commission on Environmental Quality in administering the State's base water quality program that aims to prevent, reduce, and eliminate water pollution through standard-setting, monitoring, permitting and enforcement activities and to assist in administering the State's environmental management programs which monitors, abates, and controls hazardous, solid waste, air pollution and pesticides.
Timing: Week of May 8, 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs
5. **\$2.7 MILLION FOR BROWFIELDS JOB TRAINING PROGRAM:** EPA plans to announce approximately \$2.7M through the Environmental Workforce Development and Job Training Program. This announcement is planned to come on the heels of the larger brownfields grant and some of the 13 organizations selected to receive the grants will overlap geographically with the brownfield sites. Each organization will receive funds to operate environmental job training programs for local unemployed residents in hazardous and solid waste-impacted communities.
Timing: Late May 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs
6. **\$2.5 MILLION FOR SOUTHEAST ROCKFORD SOURCE AREA 7 SUPERFUND SITE:** EPA plans to announce an award to the Illinois Environmental Protection Agency. The work to be accomplished is associated with Area 7 Remedial Action (RA) that consist of

contractor procurement, preconstruction activities, RA implementation, RA completion and the RA completion report. The overall objective of these tasks is to determine and document that the RA is functioning as designed. The site has been on the EPA national priorities list since 1989.

Timing: Mid May 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

7. **\$2.43 MILLION FOR GREAT LAKES AREA OF CONCERN RESTORATION:** EPA plans to announce. This grant provides resources to the Michigan Department of Environmental Quality (MDEQ) to continue its efforts to implement remedial action plans (RAPs) to restore twelve Areas of Concerns (AOCs), and coordinate implementation of the Lakewide Action and Management Plans (LAMPs) for the Lakes Superior, Michigan, Huron, Erie, and the Lake St. Clair Comprehensive Management Plan. MDEQ will provide a Lake Coordinator for each of the four Great Lakes in Michigan to strategically identify and develop the priorities, partnerships, projects, and participation necessary to implement each LAMP and represent Michigan on various LAMP management committees, the Great Lakes Executive Committee, and the GLWQA subcommittee task teams. MDEQ will also focus efforts on removing specific Beneficial Use Impairments (BUIs) within these AOCs and initiate formal actions for delisting AOCs.

Timing: Mid May 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

8. **\$1.56 MILLION FOR NEW YORK STATE HAZARDOUS WASTE MANAGEMENT:** This agreement is for development and implementation of an authorized hazardous waste management program in New York State to control the generation, transportation, treatment, storage, and disposal of hazardous waste; to minimize hazardous waste production; and to protect health and the environment from inactive hazardous waste facilities. Activities include permitting, corrective action, inspections, enforcement, computerized tracking, ensuring data quality, and pollution prevention outreach. This will help to preserve and restore the land by reducing waste generation and by managing hazardous wastes properly.

Timing: Week of May 8, 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

9. **\$1.6 MILLION FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:** This Performance Partnership Grant (PPG) provides funds for the management and operation of Illinois Environmental Protection Agency's (IEPA) continuing environmental programs while giving flexibility to address its highest priorities, improve performance, achieve savings and strengthen federal/state partnerships. This PPG funds statewide programs to the Bureau of Air, Bureau of Water and the Bureau of Land. The work includes outputs and outcomes associated with managing continuing environmental programs which include activities to protect and maintain air, water, land and data quality.

Timing: Mid May, 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

10. **\$1.48 MILLION FOR STATE OF TEXAS AIR MONITORING PROGRAM:** Assists

the state of Texas with necessary development, establishment and maintenance of adequate monitoring programs for the prevention and control of air pollution or implementation of national primary and secondary air quality standards. This grant is provided to conduct ambient air quality monitoring of fine particulate matter (PM2.5)

Timing: Week of May 8, 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

11. \$1.46 MILLION FOR THE ALASKA DEPARTMENT OF ENVIRONMENTAL

CONSERVATION: The Remote Maintenance Worker (RMW) program assists rural Alaska communities in building drinking water and wastewater systems operations and maintenance capacity in order to protect human health and the environment. On-site operations and maintenance support and over the shoulder operator training establish technical capacity and promote compliance with the Safe Drinking Water Act (SDWA) and the Clean Water Act (CWA).

Timing: Mid May 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

12. \$1.18 MILLION FOR NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL

QUALITY: This action approves an increase of \$1,185,038 to the State of North Carolina to assist the State in adopting new drinking water regulations, develop and maintain a water system inventory and database, and perform compliance and enforcement of regulations. The project will help ensure that the State's water supplies are free from contamination which may pose adverse health effects.

Timing: Mid to late May 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

13. \$1 MILLION FOR NEW MEXICO ENVIRONMENTAL DEPARTMENT: EPA plans to announce \$1,031,756 to the New Mexico Environment Department (NMED) for their air pollution prevention and abatement program. NMED will use the funds to support a range of activities, including air permitting and air planning, as well as environmental compliance, surveillance, and abatement monitoring activities. The funds will also help NMED carry out clean air plans for ozone and other pollutants, review air monitoring data and address violations, and collaborate with other partners in New Mexico to achieve pollution-reduction goals.

Timing: Week of May 8, 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

14. \$855,000 FOR OKLAHOMA OFFICE OF THE SECRETARY OF ENERGY AND ENVIRONMENT:

EPA plans to announce \$855K to the Oklahoma Office of the Secretary of Energy and Environment to support management of nonpoint-source water pollution. The funding will be used for a variety of projects designed to improve water quality in several priority watersheds. Nonpoint-source pollution (NPS) is caused by rainfall or snowmelt moving over the ground. This runoff picks up natural and man-made pollutants as it flows, eventually depositing the material into lakes, rivers, and groundwater. This type of pollution can be difficult to manage since it cannot be traced to a specific source. EPA's grant will help Oklahoma fund NPS management projects such as controlling animal wastes,

sediment, pesticides, and fertilizers; watershed planning and monitoring; and education and outreach programs.

Timing: Week of May 8, 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

G. Notable Press

- 1. WASHINGTON EXAMINER: EPA'S PRUITT, LAWMAKERS RECOMMIT TO PUBLIC TRUST IN EAST CHICAGO:** Administrator Pruitt joined Democratic and Republican lawmakers in reaffirming the Agency's commitment to delivering real solutions for protecting health and public safety, especially for families in East Chicago, impacted by the closure of the West Calumet Housing Complex. Administrator Pruitt had made visiting the city affected by contamination from a closed lead production facility and designated a Superfund site in 2009, a priority in his April tour to promote the EPA's refocus on clean water and clean air.

Link: <http://www.washingtonexaminer.com/epas-pruitt-lawmakers-recommit-to-public-trust-in-east-chicago/article/2622262>

Other/Awareness Only

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Key Events for Upcoming 30 Days

Major Policy Speeches

- May 9 **Portland Cement Association, (Washington, DC).** Administrator Pruitt will be speaking on the EPA outlook for the next four years, especially on climate, NESHAP, WOTUS, and ozone.
- May 11 **Resource Bank Meeting, Heritage Foundation, (Colorado Springs, CO).** Administrator Pruitt will speak on “Reining in the Regulatory State.”

- May 18 **Hoover Institution, (New York, NY).** “EPA Originalism: A Conversation on Reforming the EPA”
- May 19 **Council for National Policy, (McLean, VA).** Administrator Pruitt will speak about challenges and opportunities at EPA when dealing with policy objectives.
- May 24 **Energy and Environment Symposium, (Washington, DC).** Administrator Pruitt will discuss priorities of leading the agency.

Events

- May 9 **Toy Association Meeting, (Washington, DC).** Introductory meeting to brief the Administrator on toy industry issues at the Agency, primarily TSCA/LCSA implementation and regulatory reform. Toy Association attendees will include Association Board members, company CEOs and representatives of toy companies.
- May 10 **American Chemistry Council Meeting, (Washington, DC).** Importance of the EPA to the antimicrobial and chemical industry and the need for greater transparency and opportunities for stakeholder engagement.
- May 23 **Congressional Western Caucus Meeting.** Administrator Pruitt will deliver remarks on EPA’s recent activities, updates, changes and his goals as EPA Administrator.
- May 25 **US Oil & Gas Association.** The Administrator’s goals for EPA and how they could affect the oil and gas industries.
- May 31 **KAM Manufacturers Conference.** Current and future outlook on energy and environment in general and specific issues including Clean Power Plan, water regulations, federal overreach and use of valuable natural resources.

May 16, 2017

MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY

FROM: Ryan Jackson, Chief of Staff, U.S. Environmental Protection Agency

SUBJECT: Environmental Protection Agency Weekly Update for the Week of May 22, 2017

EPA 30-Day Policy Look Ahead

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

D. Legal Decisions

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

E. Release of High-Profile Grants

1. \$56.5 MILLION FOR BROWNFIELDS ASSESSMENT AND CLEANUP IN 171

COMMUNITIES: EPA plans to announce \$56.5M in funding of new brownfields assessments and cleanup in 171 communities across the country. List of grantees will be developed internally this upcoming week. Grant funds may be used to address sites contaminated by, or potentially contaminated by, petroleum and hazardous substances, pollutants, or contaminants (including hazardous substances co-mingled with petroleum):

- Assessment grants provide funding for a recipient to inventory, characterize, assess, and conduct planning and community involvement related to brownfield sites. Recipients will each receive approximately \$200-600K in EPA cooperative agreement funding.
- Cleanup grants provide funding for a recipient to carry out cleanup activities at brownfield sites. An eligible entity may apply for up to \$200K per site and up to three sites in in a competition cycle.

Timing: Projected announcement day is May 23, 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

2. \$6.8 MILLION FOR DuSABLE PARK REMEDIATION PROJECT: This Cooperative

Agreement (CA) provides funding in the amount of \$6.8M to the Chicago Park District (CPD) to complete property line to property line screening of the fill material for thorium at the DuSable Park site. CPD will remove and dispose of all thorium contaminated material (thorium source material, thorium product, thorium byproduct material/waste, soil, sediments, debris and fill materials with thorium or thorium byproduct contamination).

Timing: Mid May 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

3. **\$5.7 MILLION FOR NEW YORK STATE DEPT. OF ENVIRONMENTAL**

CONSERVATION: EPA plans to award an initial \$5,756,294 Performance Partnership Grant to NYSDEC for the operation of its continuing environmental programs while giving it greater flexibility to address its highest environmental priorities, improve environmental performance, achieve administrative savings and strengthen the partnership between NYSDEC and EPA. This agreement funds statewide programs to protect and improve water quality.

Timing: Mid June 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

4. **\$2.7 MILLION FOR BROWFIELDS JOB TRAINING PROGRAM:** EPA plans to announce approximately \$2.7M through the Environmental Workforce Development and Job Training Program. This announcement is planned to come on the heels of the larger brownfields grant and some of the 13 organizations selected to receive the grants will overlap geographically with the brownfield sites. Each organization will receive funds to operate environmental job training programs for local unemployed residents in hazardous and solid waste-impacted communities.

Timing: May 16, 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

5. **\$2.6 MILLION FOR OHIO EPA:** EPA plans to award The Ohio EPA \$2.64M in Federal Fiscal Year 2017 Clean Water Act Section 319(h) funding to support the Section 319(h) nonpoint pollution control program for the following priorities.

- Implementation of Ohio EPA's Non-Point Source (NPS) Management Program including supporting active Total Maximum Daily Load reports and studies for watersheds
- Overseeing and providing funding for the implementation of Best Management Practices conducted by 16 subgrantees
- Providing technical assistance for 9-element watershed planning
- Coordinating with U.S. EPA Region 5 staff for approvals of 9-element watershed plans
- Engaging awareness and education of NPS activities amongst the general public, landowners, and other interested parties

Timing: Mid June 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

6. **\$2.5 MILLION FOR SOUTHEAST ROCKFORD SOURCE AREA 7 SUPERFUND**

SITE: EPA plans to announce an award to the Illinois Environmental Protection Agency.

The work to be accomplished is associated with Area 7 Remedial Action (RA) that consist of contractor procurement, preconstruction activities, RA implementation, RA completion and the RA completion report. The overall objective of these tasks is to determine and document that the RA is functioning as designed. The site has been on the EPA national priorities list since 1989.

Timing: Mid May 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

7. **\$2.43 MILLION FOR GREAT LAKES AREA OF CONCERN RESTORATION:** EPA plans to announce. This grant provides resources to the Michigan Department of Environmental Quality (MDEQ) to continue its efforts to implement remedial action plans (RAPs) to restore twelve Areas of Concerns (AOCs), and coordinate implementation of the Lakewide Action and Management Plans (LAMPs) for the Lakes Superior, Michigan, Huron, Erie, and the Lake St. Clair Comprehensive Management Plan. MDEQ will provide a Lake Coordinator for each of the four Great Lakes in Michigan to strategically identify and develop the priorities, partnerships, projects, and participation necessary to implement each LAMP and represent Michigan on various LAMP management committees, the Great Lakes Executive Committee, and the GLWQA subcommittee task teams. MDEQ will also focus efforts on removing specific Beneficial Use Impairments (BUIs) within these AOCs and initiate formal actions for delisting AOCs.

Timing: Mid May 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

8. **\$1.56 MILLION FOR NEW YORK STATE HAZARDOUS WASTE MANAGEMENT:** This agreement is for development and implementation of an authorized hazardous waste management program in New York State to control the generation, transportation, treatment, storage, and disposal of hazardous waste; to minimize hazardous waste production; and to protect health and the environment from inactive hazardous waste facilities. Activities include permitting, corrective action, inspections, enforcement, computerized tracking, ensuring data quality, and pollution prevention outreach. This will help to preserve and restore the land by reducing waste generation and by managing hazardous wastes properly.

Timing: Late May 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

9. **\$1.6 MILLION FOR THE ILLIOIS ENVIRONMENTAL PROTECTION AGENCY:** This Performance Partnership Grant (PPG) provides funds for the management and operation of Illinois Environmental Protection Agency's (IEPA) continuing environmental programs while giving flexibility to address its highest priorities, improve performance, achieve savings and strengthen federal/state partnerships. This PPG funds statewide programs to the Bureau of Air, Bureau of Water and the Bureau of Land. The work includes outputs and outcomes associated with managing continuing environmental programs which include activities to protect and maintain air, water, land and data quality.

Timing: Late May 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

10. **\$1.46 MILLION FOR THE ALASKA DEPARTMENT OF ENVIRONMENTAL**

CONSERVATION: The Remote Maintenance Worker (RMW) program assists rural Alaska communities in building drinking water and wastewater systems operations and maintenance capacity in order to protect human health and the environment. On-site operations and maintenance support and over the shoulder operator training establish technical capacity and promote compliance with the Safe Drinking Water Act (SDWA) and the Clean Water Act (CWA).

Timing: Late May 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

11. \$1.38 MILLION FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL

PROTECTION: EPA plans to announce \$1,388,366 for the Florida Department of Environmental Protection to support the State's efforts to protect human health and the environment by reducing air pollution and improving water quality through permitting, enforcement, and compliance efforts and watershed management; reducing hazardous waste and improving waste management practices; preserving underground drinking water sources; and ensuring protection of Public Water Supply Systems.

Timing: Week of May 15, 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

12. \$1.18 MILLION FOR NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL

QUALITY: This action approves an increase of \$1,185,038 to the State of North Carolina to assist the State in adopting new drinking water regulations, develop and maintain a water system inventory and database, and perform compliance and enforcement of regulations. The project will help ensure that the State's water supplies are free from contamination which may pose adverse health effects.

Timing: Mid to late May 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

13. \$1.15 MILLION FOR SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL:

This action approves an increase of \$1,156,250 to the South Carolina Department of Health & Environmental Control which continues support to prevent and reduce pollution, enforce environmental laws, reduce air and water pollution, preserve underground drinking water sources, ensure the safety of public drinking water supplies, manage waste and increase recycling more effectively from creation to disposal in order to protect the environment and health of the citizens throughout the State of South Carolina.

Timing: Week of May 15, 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

14. \$1M FOR MARYLAND CHESAPEAKE BAY PROGRAM: This cooperative agreement aids the recipient in providing enhanced monitoring to improve the assessment of sediment and nutrient load reductions support for the Chesapeake Bay Program and in providing Chesapeake Bay baywide and basinwide water quality and living resource monitoring data analysis and interpretation.

Timing: June 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

15. **\$343,883 FOR MOBILE BAY NATIONAL ESTUARY PROGRAM:** EPA plans to announce \$343,883 for the Mobile Bay/Dauphin Island National Estuary Program in Alabama for its ongoing work of improving working waterfronts and preserving fishing communities. Mobile Bay National Estuary Program will conserve and improve working waterfronts and preserve fishing communities by using marine spatial planning techniques to engage further in dialogue through Working Waterfronts Coalition about how to efficiently balance conservation, restoration and multi-uses of MBNEP fishery resources. Will support activities geared toward achieving the objectives of the Comprehensive Conservation and Management Plan.

Timing: Sent May 15, 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

16. **\$343,883 FOR THE NORTH CAROLINA NATIONAL ESTURARY PROGRAM:** EPA plans to announce \$343,883 for the State of North Carolina for its National Estuary Program. These funds will be used to identify, restore and protect the significant resources of the region and continue implementation of the unique management strategies.

Timing: May, 18, 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

F. Congressional Testimony

1. **ADMINISTRATOR PRUITT TO TESTIFY AT SENATE APPROPRIATIONS SUBCOMMITTEE HEARING ON EPA BUDGET:** Administrator Pruitt will testify before the Interior, Environment and Related Agencies Subcommittee concerning the President's FY18 Budget.

Timing: June 27, 2017 **Contact:** Troy Lyons, Associate Administrator, OCIR, Lyons.Troy@epa.gov

G. Notable Press

1. **NEED TO KNOW NETWORK: PEBBLE MINE SETTLEMENT HUGE WIN FOR JOBS, TRUMP, AND PRUITT:** Administrator Pruitt reversed Obama-era veto on Alaska Pebble Mine project, a move that will prove to be a massive job creator. A 2013 HIS Global Insight study showed the project will create 15,000 Alaskan and national jobs during the project's operation. Further, the mine is expected to bring in an average of \$136 to \$180 million in annual taxes and royalties, putting it in the top tier of companies in the state.

Link: <http://ntknetwork.com/pebble-mine-settlement-huge-win-for-jobs-trump-and-pruitt/>

2. **THE DAILY CALLER: EPA CHIEF ORDERS FASTER SUPERFUND CLEANUP OF NATION'S MOST POLLUTED AREAS:** Administrator Pruitt is making it a priority to ensure contaminated Superfund sites get cleaned up by retaining the authority to approve cleanups that cost at least \$50M. This move will eliminate red tape and streamline and speedup the Superfund process. The previously delegated authority resulted in confusion among stakeholders and delayed revitalization efforts.

Link: <http://dailycaller.com/2017/05/11/epa-chief-orders-faster-superfund-cleanup-of-nations-most-polluted-areas/>

3. **AP: EPA SIGNS OFF ON NORTH DAKOTA REGULATION OF CO2 WELLS:**

Administrator Pruitt signed off on the proposal to make North Dakota the first state with the power to regulate underground wells used for long-term storage of waste carbon dioxide captured from industrial sources such as coal-fired power plants. The proposal languished under the Obama administration. A final decision will come after a 60-day public comment period. Giving the state this authority will empower state regulators, provide needed certainty, and advance CCS technologies, all while ensuring drinking water sources remain protected.

Link:

http://hosted.ap.org/dynamic/stories/U/US_NORTH_DAKOTA_CO2_REGULATION?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT

H. Other/Awareness Only

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Key Events for Upcoming 30 Days

Major Policy Speeches

- May 17 **Manhattan Institute Board Meeting, (New York City).** Administrator Pruitt will be the event headliner and will discuss how to protect the environment without hurting economic growth or transgressing the legal limits on the Agency's powers.
- May 18 **Hoover Institution Meeting, (Washington, DC).** Stanford University's Hoover Institution hosts a monthly speaker series, "Opening Arguments: Conversations on American Constitutionalism," focused on how America governs itself. Administrator Pruitt will speak on "EPA Originalism": A Conversation on Reforming the EPA.
- May 19 **Council for National Policy Meeting, (McLean, VA).** CNP is the premier conservative membership organization comprised of more than 400 of America's most influential leaders. These educational events are held three times each year to build coalitions, strengthen the conservative movement, and thus seek to restore our nation to its founding principles. Administrator Pruitt will speak on challenges and opportunities at the EPA and how conservatives can help in achieving the administration's policy objectives.
- May 25 **US Oil & Gas Association Board of Directors and Executive Committee Annual Meeting, (Washington, DC).** Meeting of industry CEOs and Presidents to discuss energy/environmental policy and to learn about the Trump Administration. The Administrator will have a general conversation on his goals for the EPA.
- May 31 **Kentucky Association of Manufacturers Conference, (Lexington, KY).** Administrator Pruitt will be the keynote speaker to kick off the energy and environment component of the Conference. He will speak on the current and future outlook on energy and environment in general.

Events

- May 16 **Western Growers Meeting, (Washington, DC).** Meeting to discuss key agricultural concerns under the jurisdiction of EPA.
- May 16 **American Institute of Architects Meeting, (Washington, DC).** Discussing EPA program and resources which are important to the business and practice of architecture.
- May 18 **Nation's Egg Producers Meeting, (Washington, DC).** Discussing environmental issues and regulations as they affect agriculture, including WOTUS and other timely topics.

June 27, 2017

MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY

FROM: Ryan Jackson, Chief of Staff, U.S. Environmental Protection Agency

SUBJECT: Environmental Protection Agency Weekly Update for the Week of June 26, 2017

EPA 30-Day Policy Look Ahead

Ex. 5 - Deliberative Process

B. Rulemakings, Guidance, Initiatives, & Policies

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

C. Reports to Congress

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

D. State and Local-Based Issues

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

E. Legal Decisions

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

F. Release of High-Profile Grants

1. **\$4.6 MILLION FOR OHIO EPA:** EPA plans to award The Ohio EPA \$4.6M in Federal Fiscal Year 2017 Clean Water Act Section 319(h) funding to support the Section 319(h) nonpoint pollution control program.
Timing: July / August 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov
2. **\$2.43 MILLION FOR GREAT LAKES AREA OF CONCERN RESTORATION:** This grant provides resources to the Michigan Department of Environmental Quality (MDEQ) to continue its efforts to implement remedial action plans (RAPs) to restore 12 Areas of Concerns (AOCs), and coordinate implementation of the Lakewide Action and Management Plans (LAMPs) for Lakes Superior, Michigan, Huron, Erie, and the Lake St. Clair Comprehensive Management Plan. MDEQ will provide a Lake Coordinator for each of the four Great Lakes in Michigan to strategically identify and develop the priorities, partnerships, projects, and participation necessary to implement each LAMP and represent Michigan on various LAMP management committees, the Great Lakes Executive Committee, and the GLWQA subcommittee task teams. MDEQ will also focus efforts on removing specific Beneficial Use Impairments (BUIs) within these AOCs and initiate formal actions for delisting AOCs.
Timing: June / July 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov
3. **\$1.7 MILLION TO KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT**

FOR NON-POINT SOURCE POLLUTION: This Section 319 project will support implementation of activities intended to eliminate or prevent Kansas water quality problems due to the discharge of pollutants from nonpoint sources. While the program provides statewide coverage, activities which address priority watersheds with water quality problems identified by the Kansas 303d list will receive priority. This award provides partial funding; full funding may be provided at a later date.

Timing: July 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

4. **\$1.38 MILLION FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION:** EPA plans to announce \$1,388,366 for the Florida Department of Environmental Protection to support the State's efforts to protect human health and the environment by reducing air pollution and improving water quality through permitting, enforcement, and compliance efforts and watershed management; reducing hazardous waste and improving waste management practices; preserving underground drinking water sources; and ensuring protection of Public Water Supply Systems.
Timing: June 29, 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov
5. **\$1 MILLION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM, FOR MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY:** EPA may announce this initial Award in Region 4; Leaking Underground Storage Tank Trust Fund Corrective Action Program: This action approves an award in the amount of \$1M to the State of Mississippi Department of Environmental Quality to assist the State in developing, implementing and maintaining an effective Underground Storage Tank (UST) Program for the remediation of leaking USTs containing petroleum.
Timing: June 28, 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov
6. **\$994,080 FOR THE FOX-WOLF WATERSHED ALLIANCE TARGETING OUTCOME-BASED SEDIMENT REDUCTION IN THE LOWER FOX WATERSHED:** This project supports the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement. This project will reduce agricultural sediment and nutrient loading to the Lower Fox River and Green Bay through the installation of innovative yet underutilized conservation practices (such as stream buffering, streambank protection and cover crops) in key sections of the Plum and Kankapot Creek watersheds. The project will also monitor the effects of the installed conservation practices in order to guide the future implementation of conservation practices throughout the Lower Fox watershed.
Timing: June / July 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov
7. **\$615,000 TO ALASKA AND WASHINGTON TRIBES TO PROTECT COMMUNITIES FROM DIESEL EMISSIONS:** The EPA's Pacific Northwest Office will announce it has awarded \$615,584 in Diesel Emission Reduction Act (DERA) funding to three tribes in Alaska and Washington to reduce emissions from diesel stationary generators, marine vessels, and trucks. The grant awards funded projects with Chalkyitsik

Village Council in northeast Alaska, the Confederated Tribes of the Colville Reservation and the Lummi Tribe of the Lummi Reservation in Washington.

Timing: June 30, 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

8. **\$505,000 FOR THE IDAHO BROWNFIELDS RESPONSE:** EPA will announce this project that provides funding for the Idaho DEQ Response Program that includes timely survey and inventory of brownfield sites; oversight and enforcement authorities to ensure response actions protect human health and the environment; resources to provide meaningful public involvement; mechanisms for approval of cleanup plans and verification of complete responses. Also included are site assessments, technical assistance, implementation of the Community Reinvestment Pilot Initiative, and a Return on Investment study to quantify economic impacts of EPA funded Brownfields projects in Idaho.
Timing: July / August 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov
9. **\$469,000 TO KENTUCKY FOR UNDERGROUND STORAGE TANKS PROGRAM:** EPA will announce this action that approves an award in the amount of \$469K to the Commonwealth of Kentucky to support in developing, implementing and maintaining an effective Underground Storage Tank (UST) program, leak detection, prevention and related enforcement needed for meeting the provisions of the Energy Policy Act of 2005.
Timing: July / August 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov
10. **\$427,235 TO NEW JERSEY BROWNFIELDS RESPONSE:** EPA will announce this project is to assist the New Jersey Department of Environmental Protection in remediating and redeveloping brownfields sites through expansion of the State's current response program. Specifically, the State will perform an inventory of brownfields sites, conduct targeted brownfields site assessments, and enhance the public record system. The activities to be performed will result in increased environmental benefits, specifically cleaning up and putting back into use contaminated sites.
Timing: July / August 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov
11. **\$427,235 TO NEW YORK FOR BROWNFIELDS RESPONSE:** EPA will announce this project is to assist the New York DEQ in remediating and redeveloping brownfields sites through expansion of the State's current response program. Specifically, the State will perform an inventory of brownfields sites, conduct targeted brownfields site assessments, and enhance the public record system. The activities to be performed will result in increased environmental benefits, specifically cleaning up and putting back into use contaminated sites.
Timing: July / August 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov
12. **\$332,334 TO GROUNDWORK USA FOR BROWNFIELDS TRAINING:** EPA will announce this project that provides funding for Groundwork USA to provide technical assistance to communities facing brownfields cleanup and reuse challenges. Specifically, this

grantee will provide technical assistance to increase the capacity of communities affected by brownfields to more fully integrate environmental justice and equitable development approaches into their brownfields cleanup and revitalization efforts.

Timing: July / August 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

13. **\$290,000 TO FLORIDA FOR CORAL REEF PROJECT:** EPA may announce along with U.S. Rep. Carlos Curbelo this grant for the Coral Reef Evaluation and Monitoring Project (CREMP) to monitor the status and trends of selected coral reefs, patch reefs, and hardbottoms in the Florida Keys National Marine Sanctuary (FKNMS) and to document change to assist the EPA Water Quality Protection Program (WQPP) in evaluating management efforts of the FKNMS and WQPP. This project will continue the efforts of documenting short and long term effects of how benthic communities respond to major disturbances. Monitoring will continue at 40 sites in the FL Keys and 6 patch reef sites. The project will specifically address the Octocoral Demographic Studies and Xestospongia muta Fate Tracking Studies.

Timing: Late June / Early July 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

14. **\$200,000 TO CITY OF GRANTS PASS, OREGON FOR BROWNFIELDS**

PLANNING: EPA will announce this funding to provide the City of Grants Pass, Oregon to conduct area-wide planning for brownfields. The grantee will conduct community involvement activities to identify priorities, determine reuses for brownfield sites, develop a detailed brownfields plan and design implementation strategy. Planning activities will focus around the Spalding Mill area in the eastern part of Grants Pass. The 61-acre project area was selected due to environmental concerns, proximity to transportation corridors and sensitive populations, history of disinvestment, reuse potential, and community need for economic development.

Timing: July / August 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

G. Congressional Testimony

1. **ADMINISTRATOR PRUITT TO TESTIFY AT SENATE APPROPRIATIONS**

SUBCOMMITTEE HEARING ON EPA BUDGET: Administrator Pruitt will testify before the Interior, Environment and Related Agencies Subcommittee concerning the President's FY18 Budget.

Timing: June 27, 2017 **Contact:** Troy Lyons, Associate Administrator, OCIR, Lyons.Troy@epa.gov

H. Notable Press

1. **NEED TO KNOW NETWORK: PRUITT: EPA IS FOCUSED ON RULE OF LAW AND COOPERATIVE FEDERALISM:** During a House Appropriations subcommittee

hearing, Administrator Pruitt laid out his vision for the EPA. He expressed confidence that the agency can accomplish its goals on a trimmed budget. We're reversing an attitude and approach that one can simply reimagine authority under statutes passed by Congress.

Link: <http://ntknetwork.com/pruitt-epa-is-focused-on-rule-of-law-and-cooperative-federalism/>

2. **WALL STREET JOURNAL: CLEANING UP THE SUPERFUND MESS:** Unlike the Obama Administration, EPA Administrator Pruitt is committed to cleaning up Superfund sites. One cost of making climate change a religion is that more immediate environmental problems have been ignored – not least by the EPA. The new Administrator plans to address this in an underreported effort to clean up toxic waste sites under the Superfund program. The effort is long overdue.

Link: <https://www.wsj.com/articles/cleaning-up-the-superfund-mess-1497309104>

3. **BNA: INDUSTRY CHEERS METHANE RULES PAUSE DESPITE NEW UNCERTAINTY:** The energy industry is cheering the EPA's plans to place a 2-year hold on Obama-era methane regulation that was so onerous on the oil and gas industry that it would have killed jobs and economic growth needlessly.

Link:

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=114289426&vname=dennotallissues&wsn=498993000&searchid=30056084&doctypeid=2&type=date&mode=doc&split=0&scm=1245&pg=0

4. **REUTERS: EPA AND ARMY CORPS SEEK TO RESCIND CLEAN WATER RULE:** The U.S. Environmental Protection Agency and Army Corps of Engineers released a proposal on Tuesday to repeal the 2015 Clean Water Rule, the latest move by the Trump administration to unwind environmental regulations put in place under former President Barack Obama. **Link:** <https://www.reuters.com/article/us-usa-regulation-idUSKBN19I2L0>

I. Other/Awareness Only

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Key Events for Upcoming 30 Days

Major Policy Speeches

- June 29 **American Coalition for Clean Coal Electricity Board Meeting, (Washington, DC).**
- July 11 **Americans for Tax Reform Dinner, (Washington, DC).**
- July 12 **National Turkey Federation Annual Leadership Conference, (Washington, DC).**

Events

- June 27 **Administrator Pruitt to Testify at Senate Appropriations Subcommittee, (Washington, DC).**
- June 28 **Honeywell Meeting, (Washington, DC).** Overview on Honeywell and discussion on Significant New Alternatives Policy (SNAP) program and rules, Montreal Protocol and greenhouse gas emissions and fuel economy standards for light-duty vehicles.
- June 28 **Tribal & State Energy Presentation Roundtable Discussion, (White House, Washington, DC).**
- June 29 **POTUS Energy Dominance Summit, (DOE, Washington, DC).**
- July 5-6 **Administrator Pruitt Trip to Alabama, (Alabama).** Administrator Pruitt will travel to Alabama with Senator Luther Strange. Tentative visits with Governor Kay Ivey and Agriculture Commissioner McMillan.
- July 6-7 **Administrator Pruitt Trip to Georgia, (Georgia).**
- July 7-9 **G20 Summit, (Hamburg, Germany).**

July 10 or 13 **Chemours Facility, (Corpus Christi, TX).**

July 13 **WOTUS Call with State Attorneys General, (Phone Call).**

INTERNAL – DELIBERATIVE PROCESS

OFFICE OF POLICY ISSUES TRACKER

	Issue	Summary	Staffer	Action Items	Deadline or milestone?	Next Step
1.	WOTUS			Ex. 5 - Deliberative Process		
2.	CPP					
3.	NSPS for EGUs					
4.	NSPS for O&G					
5.	WOTUS EO					
6.	Energy Independence EO					

INTERNAL – DELIBERATIVE PROCESS

					Ex. 5 - Deliberative Process			
7.	Regulatory Reform EO							
8.	Presidential Memorandum on Permit Streamlining/Domes tic Manufacturing							
9.	Reorganization EO							
10.	ELG							

INTERNAL – DELIBERATIVE PROCESS

				Ex. 5 - Deliberative Process			
11.	CCR						
12.	RFS						
13.	GHG/CAFE Standards						
14.	Hardrock Mining Financial Assurance						

INTERNAL – DELIBERATIVE PROCESS

15.	Superfund Initiative					
16.	TSCA/LCSA Implementation					
17.	Metrics/Dashboard					
18.	RMP					
19.	Cement RTR					
20.	NAAQS					

Ex. 5 - Deliberative Process

INTERNAL – DELIBERATIVE PROCESS

21.	Worker Protection Standards			
22.	Pesticide Applicator			
23.	FERC			
24.	Delta Smelt			
25.	Puerto Rico			
26.	Steel/Pipe Waivers			
27.	Enforcement			
28.	OA Memos			

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

INTERNAL – DELIBERATIVE PROCESS

				Ex. 5 - Deliberative Process		
29.	Reporting Requirements			Ex. 5 - Deliberative Process		

Regulatory Reform Overview

Executive Order 13766: Expediting Environmental Reviews and Approvals for High Priority Infrastructure Projects

- Sets forth the policy of the executive branch to streamline and expedite environmental reviews and approvals for all infrastructure projects, especially projects that are a high priority for the Nation such as improving the U.S. electric grid and telecommunications systems and repairing and upgrading critical port facilities, airports, pipelines, bridges, and highways.
- The Chairman of CEQ, on their own initiative or at the request of a Governor or head of any executive department, is to decide within 30 days after such a request is made whether an infrastructure project qualifies as a "high priority" infrastructure project.
- For any high priority infrastructure projects, the Chairman of the CEQ is to coordinate with the head of the relevant agency to establish expedited procedures and deadlines for completion of environmental reviews and approvals for such projects. All agencies are to give the highest priority to completing such reviews and approvals by the established deadlines.

Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

- Generally known as the "2 for 1" EO – requires EPA to modify or repeal two existing regulations for each new regulation proposed or finalized in FY17 and thereafter.
- OMB guidance issued in April limited the scope of the EO to significant rules for FY17. Costs for final, significant rules in FY17 (after Inauguration Day) need to be fully offset by cost savings from modification or repeal of other regulations.
- We also expect to get a regulatory budget for FY18 from OMB.

Executive Order 13777: Enforcing the Regulatory Reform Agenda

- Implements and enforces regulatory reform, with goal of alleviating unnecessary regulatory burden.
- Establishes a Regulatory Reform Officer (RRO) and a Regulatory Reform Task Force at each Agency. At EPA, the RRO is Samantha Dravis, and the members of the Task Force are Ryan Jackson, Byron Brown, Samantha Dravis, and Brittany Bolen.
 - The Task Force is to identify regulations that could be repealed, replaced, or modified because they are outdated, unnecessary, or ineffective.
- The EO directs the Task Force to seek input from State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations.
 - EPA hosted a series of public meetings seeking input on regulatory reform, and the associated public docket received over 460,000 comments.
- The Task Force provided a progress report to the Administrator in late May and is due to provide another progress report in November.

Executive Order 13778: Restoring the Rule of Law, Federalism, and Economic Growth by

Reviewing the "Waters of the United States" Rule

- Directs EPA and Army to review the 2015 Clean Water Rule and to publish a proposal to rescind or revise it.
- The review is to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of the Congress and the States under the Constitution.
- The proposed rule is to consider interpreting the term "navigable waters" in a manner consistent with the opinion of Justice Antonin Scalia in *Rapanos v. United States*

Ex. 5 - Deliberative Process

Executive Order 13783: Promoting Energy Independence and Economic Growth

- Directs EPA to review the Clean Power Plan, related rules, and an Oil and Gas rule (the NSPS).
- It also directs agencies to review existing regulations, orders, guidance documents, and policies that potentially burden the development or use of domestically produced energy resources.
- A directed by the EO, in May the Administrator submitted a plan for the review of existing regulations to OMB.
- In late July, the Administrator must submit a draft final report to the Vice President and others in the EOP detailing agency actions to review existing regulations that potentially burden the development or use of domestically produced energy resources.
- At EPA, this work is being led by the Regulatory Reform Task Force.

Executive Order 13790: Promoting Agriculture and Rural Prosperity in America

- Established an Interagency Task Force on Agriculture and Rural Prosperity, Chaired by the Secretary of Agriculture. EPA is a member of the Task Force.
- The Task Force is charged to identify legislative, regulatory, and policy changes to promote in rural America agriculture, economic development, job growth, infrastructure improvements, technological innovation, energy security, and quality of life
- Task Force is to provide State, local, and tribal officials, as well as farmers, ranchers, foresters, and other rural stakeholders, an opportunity to suggest to the Task Force legislative, regulatory, and policy changes.
- The EO directs the Task Force to coordinate its efforts with other related work pursuant to EOs 13771, 13778, and 13783.
- In late October a report is due to the President recommending legislative, regulatory, or policy changes that the Task Force considers appropriate.

Presidential Memorandum on Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing

- Directs agencies to support expedited reviews of and approvals for proposals to construct or expand manufacturing facilities and reductions in regulatory burdens affecting domestic manufacturing.
- Department of Commerce has the lead for the memo, and was directed to conduct outreach to stakeholders on the impact of Federal regulations on domestic manufacturing. They published a request for information in early March, and received around 170 comments, many of which are related to EPA.

Ex. 5 - Deliberative Process

July 4, 2017

MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY

FROM: Ryan Jackson, Chief of Staff, U.S. Environmental Protection Agency

SUBJECT: Environmental Protection Agency Weekly Update for the Week of July 3, 2017

EPA 30-Day Policy Look Ahead

A. Rulemakings, Guidance, Initiatives, & Policies

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

B. Reports to Congress

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

C. State and Local-Based Issues

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

D. Legal Decisions

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

E. Enforcement

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

F. Release of High-Profile Grants

Contact: John Konkus, Deputy Associate Administrator, Office of Public Affairs,
konkus.john@epa.gov

1. **WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT (WIFIA)**
FUNDING: EPA will announce the communities approves for WIFIA funding.
Timing: July 19, 2017
2. **\$4.6 MILLION FOR OHIO EPA:** EPA plans to award the Ohio EPA \$4.6M in Federal Fiscal Year 2017 Clean Water Act Section 319(h) funding to support the Section 319(h) nonpoint pollution control program.
Timing: July / August 2017
3. **\$3.884 MILLION FOR NORTH DAKOTA DEPARTMENT OF HEALTH:** EPA plans to award \$3.884M to the North Dakota Department of Health (NDDH) to help protect human health and the environment through a Nonpoint Source Program Clean Water Act Section 319 cooperative agreement. This grant is given to states to implement environmental programs that address nonpoint source pollution in surface and groundwater in order to meet

and maintain water quality standards.

Timing: July / August 2017

4. **2.7M TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY PP GRANT:**
EPA will announce it has recently awarded the Texas Commission on Environmental Quality (TCEQ) a performance partnership grant of \$2.7M for administering water quality and environmental programs.
Timing: July 11, 2017
5. **\$1,592,713 TO LOUISIANA DEQ IN ADMINISTERING ENVIRONMENTAL PROGRAMS:** For programs which monitor, abate, and control hazardous and solid waste, water and air pollution. This amendment increases state and federal contributions.
Timing: TBD
6. **\$1,266.262 TO NORTH CAROLINA DEQ FOR STATE PUBLIC WATER SYSTEMS:**
This action approves an award to North Carolina to assist the State in adopting new drinking water regulations, develop and maintain a water system inventory and database, and perform compliance and enforcement of regulations. The project will help ensure that the State's water supplies are free from contamination which may pose adverse health effects.
Timing: Week of July 17, 2017
7. **\$994,080 FOR THE FOX-WOLF WATERSHED ALLIANCE TARGETING OUTCOME-BASED SEDIMENT REDUCTION IN THE LOWER FOX WATERSHED:** This project supports the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement. This project will reduce agricultural sediment and nutrient loading to the Lower Fox River and Green Bay through the installation of innovative yet underutilized conservation practices (such as stream buffering, streambank protection and cover crops) in key sections of the Plum and Kankapot Creek watersheds. The project will also monitor the effects of the installed conservation practices in order to guide the future implementation of conservation practices throughout the Lower Fox watershed.
Timing: TBD
8. **\$852,735 FOR THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT:** EPA will announce this grant for the Rhode Island Department of Environmental Management to administer environmental programs for air, water, and waste throughout the state by directing resources to address environmental and public health concerns and produce measurable environment and public health results to benefit the citizens of Rhode Island.
Timing: July 2017
9. **\$528,000 TO NEW MEXICO DEPARTMENT OF THE ENVIRONMENT:** This grant will support management of nonpoint-source water pollution. The funding will be used for a variety of projects designed to improve water quality in several priority watersheds. EPA's grant will help New Mexico fund NPS management projects such as controlling animal wastes, sediment, pesticides, and fertilizers; watershed planning and monitoring; and education and outreach programs.

Timing: TBD

10. **\$505,000 FOR THE IDAHO BROWNFIELDS RESPONSE:** EPA will announce this project that provides funding for the Idaho DEQ Response Program that includes timely survey and inventory of brownfield sites; oversight and enforcement authorities to ensure response actions protect human health and the environment; resources to provide meaningful public involvement; mechanisms for approval of cleanup plans and verification of complete responses. Also included are site assessments, technical assistance, implementation of the Community Reinvestment Pilot Initiative, and a Return on Investment study to quantify economic impacts of EPA funded Brownfields projects in Idaho.

Timing: July / August 2017

11. **\$499,009 TO THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT:** This agreement funds the State's air quality activities which include compliance, enforcement, implementation and technical assistance. This amendment provides incremental funding. Full funding of \$2,539,358 may be provided at a later date.

Timing: Week of July 24, 2017

12. **\$491,279 TO THE KANSAS DEPARTMENT OF HEALTH FOR BROWNFIELD REDEVELOPMENT:** The funding for Kansas' response program includes assessment, cleanup, and redevelopment of brownfield sites with public input.

Timing: TBD

13. **\$469,000 TO KENTUCKY FOR UNDERGROUND STORAGE TANKS PROGRAM:** EPA will announce this action in the amount of \$469K to Kentucky to support in developing, implementing and maintaining an effective Underground Storage Tank (UST) program, leak detection, prevention and related enforcement needed for meeting the provisions of the Energy Policy Act of 2005.

Timing: July / August 2017

14. **\$427,235 TO NEW JERSEY BROWNFIELDS RESPONSE:** EPA will announce this project is to assist the New Jersey Department of Environmental Protection in remediating and redeveloping brownfields sites through expansion of the State's current response program. Specifically, the State will perform an inventory of brownfields sites, conduct targeted brownfields site assessments, and enhance the public record system. The activities to be performed will result in increased environmental benefits, specifically cleaning up and putting back into use contaminated sites.

Timing: July 13, 2017

15. **\$427,235 TO NEW YORK FOR BROWNFIELDS RESPONSE:** EPA will announce this project to assist the New York DEQ in remediating and redeveloping brownfields sites through expansion of the State's current response program. Specifically, the State will perform an inventory of brownfields sites, conduct targeted brownfields site assessments, and enhance the public record system. The activities to be performed will result in increased environmental benefits, specifically cleaning up and putting back into use contaminated sites.

Timing: July 13, 2017

16. \$200,000 TO CITY OF GRANTS PASS, OREGON FOR BROWNFIELDS

PLANNING: EPA will announce this funding to provide the City of Grants Pass, Oregon to conduct area-wide planning for brownfields. The grantee will conduct community involvement activities to identify priorities, determine reuses for brownfield sites, develop a detailed brownfields plan and design implementation strategy. Planning activities will focus around the Spalding Mill area in the eastern part of Grants Pass. The 61-acre project area was selected due to environmental concerns, proximity to transportation corridors and sensitive populations, history of disinvestment, reuse potential, and community need for economic development.

Timing: July / August 2017

G. Notable Press

1. FOX NEWS: EPA MOVES TO NIX OBAMA’S ‘WATERS OF THE US’

REGULATION: Pruitt’s action on WOTUS ends a federal overreach on farmers and property owners. House Speaker Paul Ryan said the move showed the West has won in the battle over the Obama administration’s WOTUS rule. This regulation would have been a disaster for rural communities in the West and across the country, giving Washington near-total control over water resources. **Link:** <http://www.foxnews.com/politics/2017/06/27/epa-moves-to-nix-obamas-waters-us-regulation.html>

2. NATIONAL REVIEW: PRUITT CORRECTS COURSE ON OBAMA-ERA WATER

REGULATION: Administrator Pruitt is restoring order at EPA by correcting course on the Obama-era WOTUS regulation, which purported to expand the application of the Clean Water Act and empower the federal government to regulate essentially any standing body of water and the lands adjacent to it. If you are wondering how bonkers the EPA was willing to be in its interpretation, consider that WOTUS would have applied to wet grass, if the grass had been wet enough. **Link:** <http://www.nationalreview.com/article/449059/scott-pruitts-water-regulation-rollback-epa-restoration-rule-law>

3. BLOOMBERG BNA: EPA STARTS WATER RULE REPEAL, FULFILLS TRUMP

CAMPAIGN PLEDGE: Repealing WOTUS fulfills a major Trump campaign pledge. Once in final forms, the proposed repeal will be the first step the administration takes in a two-step process to undo WOTUS. The second step, which Pruitt has said will be completed by as soon as the end of the year, will involve a rewrite of the 2015 regulation.

Link: <https://www.bna.com/epa-starts-water-n73014460887/>

H. Other/Awareness Only

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Key Events for Upcoming 30 Days

Major Policy Speeches

- July 6 **Administrator Pruitt Trip to Alabama, (Alabama).** Administrator Pruitt will travel to Alabama with Senator Luther Strange. Visits to Plant Gaston, coal and natural gas plant, to discuss CPP; and Alabama Farm Federation event to discuss WOTUS. Will also be doing two local radio interviews to discuss regulatory roll backs.
- July 7 **Administrator Pruitt Trip to Georgia, (Georgia).** Administrator Pruitt will travel to Georgia with Secretary Purdue to visit Gully Beach Tree Farm. They will participate in a roundtable discussion on forestry issues with local farmers and land owners and both deliver remarks.
- July 11 **National Farm Bureau's State Leadership Meeting, (Washington, DC).**
- July 11 **Americans for Tax Reform Dinner, (Washington, DC).**
- July 12 **National Turkey Federation Annual Leadership Conference, (Washington, DC).**

Events

- July 12 **Commerce Lexington Meetings, (Washington, DC).** Commerce Lexington is bringing in a diverse group of business leaders from throughout Kentucky to learn and discuss the direction of regulatory policy. KY is a manufacturing state that has become the nation's largest producer of aluminum and stainless steel and 3rd largest automaker due to low-cost electric rates and geographic proximity to the majority of the US.
- July 13 **WOTUS Call with State Attorneys General, (Phone Call).**
- July 13 **Boeing and GE Meeting, (Washington, DC).** Discussing the state of the aviation industry, focusing on environmental policy affecting aviation manufacturers.
- July 25 **POTUS Local Media Day.**
- July 31 **Tentative Administrator Visit to Colorado.**
- Sept. **Chemours Facility, (Corpus Christi, TX).** TSCA implementation, plant expansion.
- Sept. **Huntsmans Facility, (Houston, TX).** TSCA implementation, plant expansion.

May 9, 2017

MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY

FROM: Ryan Jackson, Chief of Staff, U.S. Environmental Protection Agency

SUBJECT: Environmental Protection Agency Weekly Update for the Week of May 9, 2017

EPA 30-Day Policy Look Ahead

A. Presidential Decisions/Initiatives

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

B. Reports to Congress

Ex. 5 - Deliberative Process

C. State-Based Issues

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

D. Significant Rulemakings

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

E. Legal Decisions

1. [ISSUE]: Description
Timing: Contact:
2. [ISSUE]: Description
Timing: Contact:
3. [ISSUE]: Description
Timing: Contact:

F. Release of High-Profile Grants

1. **\$56.5 MILLION FOR BROWNFIELDS ASSESSMENT AND CLEANUP IN 171 COMMUNITIES:** EPA plans to announce \$56.5M in funding of new brownfields assessments and cleanup in 171 communities across the country. List of grantees will be developed internally this upcoming week. Grant funds may be used to address sites contaminated by, or potentially contaminated by, petroleum and hazardous substances, pollutants, or contaminants (including hazardous substances co-mingled with petroleum):
 - Assessment grants provide funding for a recipient to inventory, characterize, assess, and conduct planning and community involvement related to brownfield sites. Recipients will each receive approximately \$200-600K in EPA cooperative agreement funding.
 - Cleanup grants provide funding for a recipient to carry out cleanup activities at

brownfield sites. An eligible entity may apply for up to \$200K per site and up to three sites in in a competition cycle.

Timing: Projected announcement day is May 23, 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

2. **\$6.8 MILLION FOR DUSABLE PARK REMEDIATION PROJECT:** This Cooperative Agreement (CA) provides funding in the amount of \$6.8M to the Chicago Park District (CPD) to complete property line to property line screening of the fill material for thorium at the DuSable Park site. CPD will remove and dispose of all thorium contaminated material (thorium source material, thorium product, thorium byproduct material/waste, soil, sediments, debris and fill materials with thorium or thorium byproduct contamination).
Timing: Mid May 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs
3. **\$4.2 MILLION FOR LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY:** EPA plans to announce \$4.2M in funding that will go toward LDEQ's administration of environmental management programs that monitor and control hazardous and solid waste, water and air pollution. This amount is part of more than \$6.9M in performance partnership grants awarded to LDEQ this fiscal year. This project will help Louisiana resource the most pressing environmental problems while taking advantage of the unique capacities of their federal partner.
Timing: Week of May 8, 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs
4. **\$2.77 MILLION FOR STATE OF TEXAS WATER POLLUTION REDUCTION:** To assist Texas Commission on Environmental Quality in administering the State's base water quality program that aims to prevent, reduce, and eliminate water pollution through standard-setting, monitoring, permitting and enforcement activities and to assist in administering the State's environmental management programs which monitors, abates, and controls hazardous, solid waste, air pollution and pesticides.
Timing: Week of May 8, 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs
5. **\$2.7 MILLION FOR BROWFIELDS JOB TRAINING PROGRAM:** EPA plans to announce approximately \$2.7M through the Environmental Workforce Development and Job Training Program. This announcement is planned to come on the heels of the larger brownfields grant and some of the 13 organizations selected to receive the grants will overlap geographically with the brownfield sites. Each organization will receive funds to operate environmental job training programs for local unemployed residents in hazardous and solid waste-impacted communities.
Timing: Late May 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs
6. **\$2.5 MILLION FOR SOUTHEAST ROCKFORD SOURCE AREA 7 SUPERFUND SITE:** EPA plans to announce an award to the Illinois Environmental Protection Agency. The work to be accomplished is associated with Area 7 Remedial Action (RA) that consist of

contractor procurement, preconstruction activities, RA implementation, RA completion and the RA completion report. The overall objective of these tasks is to determine and document that the RA is functioning as designed. The site has been on the EPA national priorities list since 1989.

Timing: Mid May 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

7. **\$2.43 MILLION FOR GREAT LAKES AREA OF CONCERN RESTORATION:** EPA plans to announce. This grant provides resources to the Michigan Department of Environmental Quality (MDEQ) to continue its efforts to implement remedial action plans (RAPs) to restore twelve Areas of Concerns (AOCs), and coordinate implementation of the Lakewide Action and Management Plans (LAMPs) for the Lakes Superior, Michigan, Huron, Erie, and the Lake St. Clair Comprehensive Management Plan. MDEQ will provide a Lake Coordinator for each of the four Great Lakes in Michigan to strategically identify and develop the priorities, partnerships, projects, and participation necessary to implement each LAMP and represent Michigan on various LAMP management committees, the Great Lakes Executive Committee, and the GLWQA subcommittee task teams. MDEQ will also focus efforts on removing specific Beneficial Use Impairments (BUIs) within these AOCs and initiate formal actions for delisting AOCs.

Timing: Mid May 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

8. **\$1.56 MILLION FOR NEW YORK STATE HAZARDOUS WASTE MANAGEMENT:** This agreement is for development and implementation of an authorized hazardous waste management program in New York State to control the generation, transportation, treatment, storage, and disposal of hazardous waste; to minimize hazardous waste production; and to protect health and the environment from inactive hazardous waste facilities. Activities include permitting, corrective action, inspections, enforcement, computerized tracking, ensuring data quality, and pollution prevention outreach. This will help to preserve and restore the land by reducing waste generation and by managing hazardous wastes properly.

Timing: Week of May 8, 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

9. **\$1.6 MILLION FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:** This Performance Partnership Grant (PPG) provides funds for the management and operation of Illinois Environmental Protection Agency's (IEPA) continuing environmental programs while giving flexibility to address its highest priorities, improve performance, achieve savings and strengthen federal/state partnerships. This PPG funds statewide programs to the Bureau of Air, Bureau of Water and the Bureau of Land. The work includes outputs and outcomes associated with managing continuing environmental programs which include activities to protect and maintain air, water, land and data quality.

Timing: Mid May, 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

10. **\$1.48 MILLION FOR STATE OF TEXAS AIR MONITORING PROGRAM:** Assists

the state of Texas with necessary development, establishment and maintenance of adequate monitoring programs for the prevention and control of air pollution or implementation of national primary and secondary air quality standards. This grant is provided to conduct ambient air quality monitoring of fine particulate matter (PM2.5)

Timing: Week of May 8, 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

11. \$1.46 MILLION FOR THE ALASKA DEPARTMENT OF ENVIRONMENTAL

CONSERVATION: The Remote Maintenance Worker (RMW) program assists rural Alaska communities in building drinking water and wastewater systems operations and maintenance capacity in order to protect human health and the environment. On-site operations and maintenance support and over the shoulder operator training establish technical capacity and promote compliance with the Safe Drinking Water Act (SDWA) and the Clean Water Act (CWA).

Timing: Mid May 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

12. \$1.18 MILLION FOR NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL

QUALITY: This action approves an increase of \$1,185,038 to the State of North Carolina to assist the State in adopting new drinking water regulations, develop and maintain a water system inventory and database, and perform compliance and enforcement of regulations. The project will help ensure that the State's water supplies are free from contamination which may pose adverse health effects.

Timing: Mid to late May 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

13. \$1 MILLION FOR NEW MEXICO ENVIRONMENTAL DEPARTMENT: EPA plans to announce \$1,031,756 to the New Mexico Environment Department (NMED) for their air pollution prevention and abatement program. NMED will use the funds to support a range of activities, including air permitting and air planning, as well as environmental compliance, surveillance, and abatement monitoring activities. The funds will also help NMED carry out clean air plans for ozone and other pollutants, review air monitoring data and address violations, and collaborate with other partners in New Mexico to achieve pollution-reduction goals.

Timing: Week of May 8, 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

14. \$855,000 FOR OKLAHOMA OFFICE OF THE SECRETARY OF ENERGY AND ENVIRONMENT:

EPA plans to announce \$855K to the Oklahoma Office of the Secretary of Energy and Environment to support management of nonpoint-source water pollution. The funding will be used for a variety of projects designed to improve water quality in several priority watersheds. Nonpoint-source pollution (NPS) is caused by rainfall or snowmelt moving over the ground. This runoff picks up natural and man-made pollutants as it flows, eventually depositing the material into lakes, rivers, and groundwater. This type of pollution can be difficult to manage since it cannot be traced to a specific source. EPA's grant will help Oklahoma fund NPS management projects such as controlling animal wastes,

sediment, pesticides, and fertilizers; watershed planning and monitoring; and education and outreach programs.

Timing: Week of May 8, 2017. **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs

G. Notable Press

- 1. WASHINGTON EXAMINER: EPA'S PRUITT, LAWMAKERS RECOMMIT TO PUBLIC TRUST IN EAST CHICAGO:** Administrator Pruitt joined Democratic and Republican lawmakers in reaffirming the Agency's commitment to delivering real solutions for protecting health and public safety, especially for families in East Chicago, impacted by the closure of the West Calumet Housing Complex. Administrator Pruitt had made visiting the city affected by contamination from a closed lead production facility and designated a Superfund site in 2009, a priority in his April tour to promote the EPA's refocus on clean water and clean air.

Link: <http://www.washingtonexaminer.com/epas-pruitt-lawmakers-recommit-to-public-trust-in-east-chicago/article/2622262>

Other/Awareness Only

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Key Events for Upcoming 30 Days

Major Policy Speeches

- May 9 **Portland Cement Association, (Washington, DC).** Administrator Pruitt will be speaking on the EPA outlook for the next four years, especially on climate, NESHAP, WOTUS, and ozone.
- May 11 **Resource Bank Meeting, Heritage Foundation, (Colorado Springs, CO).** Administrator Pruitt will speak on “Reining in the Regulatory State.”
- May 18 **Hoover Institution, (New York, NY).** “EPA Originalism: A Conversation on Reforming the EPA”
- May 19 **Council for National Policy, (McLean, VA).** Administrator Pruitt will speak about challenges and opportunities at EPA when dealing with policy objectives.
- May 24 **Energy and Environment Symposium, (Washington, DC).** Administrator Pruitt will discuss priorities of leading the agency.

Events

- May 9 **Toy Association Meeting, (Washington, DC).** Introductory meeting to brief the Administrator on toy industry issues at the Agency, primarily TSCA/LCSA implementation and regulatory reform. Toy Association attendees will include Association Board members, company CEOs and representatives of toy companies.
- May 10 **American Chemistry Council Meeting, (Washington, DC).** Importance of the EPA to the antimicrobial and chemical industry and the need for greater transparency and opportunities for stakeholder engagement.
- May 23 **Congressional Western Caucus Meeting.** Administrator Pruitt will deliver remarks on EPA’s recent activities, updates, changes and his goals as EPA Administrator.

- May 25 **US Oil & Gas Association.** The Administrator's goals for EPA and how they could affect the oil and gas industries.
- May 31 **KAM Manufacturers Conference.** Current and future outlook on energy and environment in general and specific issues including Clean Power Plan, water regulations, federal overreach and use of valuable natural resources.

INTERNAL – DELIBERATIVE PROCESS

OFFICE OF POLICY ISSUES TRACKER

	Issue	Summary	Staffer	Action Items	Deadline or milestone?	Next Step
1.	WOTUS			Ex. 5 - Deliberative Process		
2.	CPP					
3.	NSPS for EGUs					
4.	NSPS for O&G					
5.	WOTUS EO					
6.	Energy Independence EO					

INTERNAL – DELIBERATIVE PROCESS

				Ex. 5 - Deliberative Process			
7.	Regulatory Reform EO						
8.	Presidential Memorandum on Permit Streamlining/Domes tic Manufacturing						
9.	Reorganization EO						

INTERNAL – DELIBERATIVE PROCESS

10.	ELG			<div>Ex. 5 - Deliberative Process</div>			
11.	CCR						
12.	RFS						
13.	GHG/CAFE Standards						
14.	Hardrock Mining Financial Assurance						

INTERNAL – DELIBERATIVE PROCESS

				Ex. 5 - Deliberative Process			
15.	Superfund Initiative						
16.	TSCA/LCSA Implementation						
17.	Metrics/Dashboard						
18.	RMP						
19.	Cement RTR						
20.	NAAQS						

INTERNAL – DELIBERATIVE PROCESS

21.	Worker Protection Standards		
22.	Pesticide Applicator		
23.	FERC		
24.	Delta Smelt		
25.	Puerto Rico		
26.	Steel/Pipe Waivers		
27.	Enforcement		
28.	OA Memos		

Ex. 5 - Deliberative Process

INTERNAL – DELIBERATIVE PROCESS

29.	Reporting Requirements		

Ex. 5 - Deliberative Process

To: Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Tyler, Tom[Tyler.Tom@epa.gov]; Lovell, Will (William)[lovell.william@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]
From: DeBell, Kevin
Sent: Sun 7/16/2017 11:40:55 AM
Subject: Commerce Report Briefing Follow Up

Hi Brittany:

Thanks very much for taking the time to meet with us on Friday to discuss the Department of Commerce report on permit streamlining and regulatory reform. As we discussed...

Ex. 5 - Deliberative Process

Best,

Kevin

Kevin M. DeBell, Ph.D., Acting Director

U.S. Environmental Protection Agency

Office of the Administrator / Office of Policy / Office of Strategic Environmental Management

1200 Pennsylvania Avenue NW (1807T)

William Jefferson Clinton Building West, Room 4122E

Washington, DC 20460

o 202 566 1931

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debell.kevin@epa.gov

I'm always open to feedback on my performance and service. Please provide your comments here: <https://www.surveymonkey.com/r/debellfeedback>. Your comments will be provided to me anonymously.

June 6, 2017

MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY

FROM: Ryan Jackson, Chief of Staff, U.S. Environmental Protection Agency

SUBJECT: Environmental Protection Agency Weekly Update for the Week of June 12, 2017

EPA 30-Day Policy Look Ahead

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

B. Reports to Congress

Ex. 5 - Deliberative Process

C. State and Local-Based Issues

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

E. Release of High-Profile Grants

1. **\$6.8 MILLION FOR DuSABLE PARK REMEDIATION PROJECT:** This Cooperative Agreement (CA) provides funding in the amount of \$6.8M to the Chicago Park District (CPD) to complete property line to property line screening of the fill material for thorium at the DuSable Park site. CPD will remove and dispose of all thorium contaminated material (thorium source material, thorium product, thorium byproduct material/waste, soil, sediments, debris and fill materials with thorium or thorium byproduct contamination).
Timing: Mid June 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov
2. **\$5.7 MILLION FOR NEW YORK STATE DEPT. OF ENVIRONMENTAL CONSERVATION:** EPA plans to award an initial \$5,756,294 Performance Partnership Grant to NYSDEC for the operation of its continuing environmental programs while giving it greater flexibility to address its highest environmental priorities, improve environmental performance, achieve administrative savings and strengthen the partnership between NYSDEC and EPA. This agreement funds statewide programs to protect and improve water quality.
Timing: Mid June 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov
3. **\$5.3 MILLION TO REDEVELOP CONTAMINATED BROWNFIELD SITES:** EPA plans to announce \$5.35 million in supplemental funding to 11 existing Brownfields Revolving Loan Fund (RLF) recipients.
Timing: June 7, 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov
4. **\$4.3 MILLION FOR PERFORMANCE PARTNERSHIP GRANT, GEORGIA DEPT OF NATURAL RESOURCES:** This action provides partial funding to the Georgia Department of Natural Resources to support the State of Georgia's environmental programs to protect citizens and the environment by reducing air and water pollution, improving air and water quality, protecting public water systems and ensuring safe drinking water, reducing hazardous waste, restoring contaminated facilities and land, and improving waste management practices.
Timing: June 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov
5. **\$3.9 MILLION PERFORMANCE PARTNERSHIP GRANT, ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY** EPA may announce this

Amendment to existing award already with \$5,423,844 Region 9; Performance Partnership Grants: This award will be used to carry out the objectives of the surface and ground water protection programs, non-point source pollution control program, and the public water supply supervision program. Major activities of these programs include: conducting surface water quality monitoring, preparing a water quality assessment, preparing pollution prevention permits, writing TMDLs, reducing non-point source pollution, participating in inter agency watershed coordination activities, conducting outreach/education to the community, and building infrastructure by conducting training and professional development, and reporting progress to EPA.

Timing: June 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

6. **\$2.15 MILLION FOR PERFORMANCE PARTNERSHIP GRANT, ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ):** The EPA plans to announce along with state of Arizona officials an award of \$2.15M in Performance Partnership Grants. This award will be used to carry out the objectives of the surface and ground water protection programs, non-point source pollution control program, and the public water supply supervision program. Major activities of these programs include: conducting surface water quality monitoring, preparing a water quality assessment, preparing pollution prevention permits, writing TMDLs, reducing non-point source pollution, participating in inter agency watershed coordination activities, conducting outreach/education to the community, and building infrastructure by conducting training and professional development, and reporting progress to EPA.

Timing: June 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

7. **\$4.6 MILLION FOR OHIO EPA:** EPA plans to award The Ohio EPA \$4.6M in Federal Fiscal Year 2017 Clean Water Act Section 319(h) funding to support the Section 319(h) nonpoint pollution control program for the following priorities.

- Implementation of Ohio EPA's Non-Point Source (NPS) Management Program including supporting active Total Maximum Daily Load reports and studies for watersheds
- Overseeing and providing funding for the implementation of Best Management Practices conducted by 16 subgrantees
- Providing technical assistance for 9-element watershed planning
- Coordinating with U.S. EPA Region 5 staff for approvals of 9-element watershed plans
- Engaging awareness and education of NPS activities amongst the general public, landowners, and other interested parties

Timing: Late June 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

8. **\$2.5 MILLION FOR SOUTHEAST ROCKFORD SOURCE AREA 7 SUPERFUND SITE:** EPA plans to announce an award to the Illinois Environmental Protection Agency. The work to be accomplished is associated with Area 7 Remedial Action (RA) that consist of contractor procurement, preconstruction activities, RA implementation, RA completion and

the RA completion report. The overall objective of these tasks is to determine and document that the RA is functioning as designed. The site has been on the EPA national priorities list since 1989.

Timing: June 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

9. **\$2.43 MILLION FOR GREAT LAKES AREA OF CONCERN RESTORATION:** This grant provides resources to the Michigan Department of Environmental Quality (MDEQ) to continue its efforts to implement remedial action plans (RAPs) to restore 12 Areas of Concerns (AOCs), and coordinate implementation of the Lakewide Action and Management Plans (LAMPs) for Lakes Superior, Michigan, Huron, Erie, and the Lake St. Clair Comprehensive Management Plan. MDEQ will provide a Lake Coordinator for each of the four Great Lakes in Michigan to strategically identify and develop the priorities, partnerships, projects, and participation necessary to implement each LAMP and represent Michigan on various LAMP management committees, the Great Lakes Executive Committee, and the GLWQA subcommittee task teams. MDEQ will also focus efforts on removing specific Beneficial Use Impairments (BUIs) within these AOCs and initiate formal actions for delisting AOCs.

Timing: June 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

10. **\$1.38 MILLION FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION:** EPA plans to announce \$1,388,366 for the Florida Department of Environmental Protection to support the State's efforts to protect human health and the environment by reducing air pollution and improving water quality through permitting, enforcement, and compliance efforts and watershed management; reducing hazardous waste and improving waste management practices; preserving underground drinking water sources; and ensuring protection of Public Water Supply Systems.

Timing: June 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

11. **\$1 MILLION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM, FOR MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY:** EPA may announce along with the local Member of Congress, this initial Award in Region 4; Leaking Underground Storage Tank Trust Fund Corrective Action Program: This action approves an award in the amount of \$1M to the State of Mississippi Department of Environmental Quality to assist the State in developing, implementing and maintaining an effective Underground Storage Tank (UST) Program for the remediation of leaking USTs containing petroleum.

Timing: Week of June 5, 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

12. **\$463,019 FOR THE INDIANA BROWNFIELDS PROGRAM:** The EPA plans to announce, potentially with Indiana officials, this funding for the Indiana Finance Authority's (IFA) Indiana Brownfields Program (IBP) that includes timely survey and inventory of brownfield sites; and the enhancement of oversight and enforcement authorities to ensure

that response actions protect human health and the environment; resources to provide meaningful public involvement; mechanisms for approval of a cleanup plans and verification of complete responses. Additionally, their work includes the maintenance of the public record, which includes institutional controls. The IFA will also perform site assessment and some cleanup work on Brownfields properties.

Timing: June 2017 **Contact:** John Konkus, Deputy Associate Administrator, Office of Public Affairs, konkus.john@epa.gov

F. Congressional Testimony

1. **ADMINISTRATOR PRUITT TO TESTIFY AT HOUSE APPROPRIATIONS SUBCOMMITTEE HEARING ON EPA BUDGET:** Administrator Pruitt will testify before the Interior, Environment and Related Agencies Subcommittee concerning the President's FY18 Budget.
Timing: June 15, 2017 **Contact:** Troy Lyons, Associate Administrator, OCIR, Lyons.Troy@epa.gov
2. **ADMINISTRATOR PRUITT TO TESTIFY AT SENATE APPROPRIATIONS SUBCOMMITTEE HEARING ON EPA BUDGET:** Administrator Pruitt will testify before the Interior, Environment and Related Agencies Subcommittee concerning the President's FY18 Budget.
Timing: June 27, 2017 **Contact:** Troy Lyons, Associate Administrator, OCIR, Lyons.Troy@epa.gov
3. **SUSAN BODINE, NOMINEE FOR ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE, CONFIRMATION HEARING SCHEDULED:** The U.S. Senate Committee on Environment & Public Works has scheduled their confirmation hearing for Susan Bodine.
Timing: June 7, 2017 **Contact:** Troy Lyons, Associate Administrator, OCIR, Lyons.Troy@epa.gov

G. Notable Press

1. **VARIOUS U.S. EPA REGIONAL MEDIA RELATIONS: U.S. EPA ANNOUNCES \$56.8 MILLION IN BROWNFIELDS GRANTS TO PROMOTE ECONOMIC REDEVELOPMENT NATIONWIDE:** On May 31st, EPA regional offices released individual press releases through local and state-wide sources to announce the applicable portions of the Brownfields grants awarded nationally to 172 recipients. These grants will be used to assess and clean up historically contaminated properties, also known as brownfields, and to help local governments redevelop vacant and unused properties, transforming communities and local economies.
Link (local example): <https://www.epa.gov/newsreleases/us-epa-announces-72-million-brownfields-grants-promote-economic-redevelopment-across>

- 2. U.S. EPA MEDIA RELATIONS: EPA ENHANCES COMMUNICATION WITH EAST CHICAGO RESIDENTS:** Following Administrator Pruitt's visit to the East Chicago Superfund site last month, the EPA is taking steps to enhance communication and provide better service to East Chicago residents. This includes designating a community involvement coordinator to be the POC for residents; monthly community meetings with EPA; and coordination with community organizations as cleanup continues.
- Link:** <https://www.epa.gov/newsreleases/epa-enhances-communication-east-chicago-residents>

H. Other/Awareness Only

Ex. 5 - Deliberative Process

Key Events for Upcoming 30 Days

Major Policy Speeches

- June 20 **10th Anniversary Energy Summit (US Chamber), (Washington, DC).**
- June 20 **BCIU Roundtable Discussion, (Washington, DC).** The Business Council for International Understanding is a nonpartisan, US-based organization that works to expand international trade and commerce. The Administrator will discuss the regulatory agenda of the EPA, the nexus of environmental policy and business, and his vision of returning the EPA to its core mission of protecting the environment by engaging with public and private sector partners to create sensible regulations that enhance economic growth.
- June 21 **Manhattan Institute, (New York City).**

Events

- June 7 **Water Infrastructure Project Event, (Cincinnati, Ohio).**
- June 7-11 **G7 Summit – Ministerial Meeting on Environment, (Italy).**
- June 15 **Administrator Pruitt to Testify at House Appropriations Subcommittee, (Washington, DC).**
- June 16 **AFPM Board Meeting, (Washington, DC).** Administrator Pruitt to be introduced to the Executive Committee of American Fuel & Petrochemical Manufacturers and have a discussion on key priorities for the refining and petrochemical industries.
- June 19 **Healthy Partners Group Meeting, (Washington, DC).** Meeting to discuss the important role the EPA plays in cleaning up the air we breathe and protecting millions of Americans from the life-threatening dangers of air pollution.
- June 27 **Administrator Pruitt to Testify at Senate Appropriations Subcommittee, (Washington, DC).**
- July 5 **Administrator Pruitt Trip to Alabama, (Alabama).** Administrator Pruitt will travel to Alabama with Senator Luther Strange. Tentative visits with Governor Kay Ivey and Agriculture Commissioner McMillan.

To: Bowman, Liz[Bowman.Liz@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Dravis, Samantha
Sent: Wed 5/24/2017 2:09:05 PM
Subject: RE: Pro Publica Responses

Ex. 5 - Deliberative Process

From: Dravis, Samantha
Sent: Wednesday, May 24, 2017 10:01 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Pro Publica Responses

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Bowman, Liz[Bowman.Liz@epa.gov]
From: Dravis, Samantha
Sent: Wed 5/24/2017 2:01:15 PM
Subject: Pro Publica Responses

Ex. 5 - Deliberative Process

Accomplishing Reg Reform

Q. With significant staffing cuts, how are you planning to accomplish the regulatory reforms you have planned? Specifically, how will EPA implement the 2 for 1 rule, given that EPA is reported to be the most active regulator in terms of cost by OIRA?

A.

Ex. 5 - Deliberative Process